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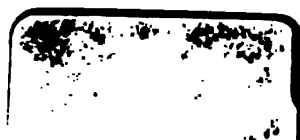
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*v. 2. 1827.*  
**PARLIAMENTARY**

# **HISTORY AND REVIEW;**

CONTAINING

**REPORTS**

OF THE

**PROCEEDINGS OF THE TWO HOUSES OF PARLIAMENT**

**DURING THE SESSION OF 1826:—7 GEO. IV.**

WITH

**CRITICAL REMARKS**

ON THE

**PRINCIPAL MEASURES OF THE SESSION.**

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**LONDON:**

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# PARLIAMENTARY HISTORY.

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## ADVERTISEMENT.

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THIS volume comprises the **SECOND PART** of the **PARLIAMENTARY HISTORY and REVIEW**, for 1826 ; and forms the Sequel to the **FIRST PART**, already published, containing the Debates, &c. of the last Session of Parliament. That Volume is referred to, in this Part, by the word *ante*, and the paging is continued throughout from the figure 1 to 802.

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The design of this work is to afford an annual record of the proceedings of the British Parliament, together with an examination of the principal topics discussed in that assembly, and of the manner in which its functions are performed.

The wealth and power of Great Britain—the rank which she holds in the scale of national intelligence—and the freedom of speech for which her legislative assemblies have been so long celebrated,—render British history a matter of no ordinary interest and importance ; and for this history the two Houses of Parliament must supply the most authentic as well as the most instructive materials.

It is surprising, therefore, that the debates of the British Parliament have never, before the commencement of the present work, in the last year, been arranged for the purpose of examination or reference ;—that they are only to be found in the chaotic miscellany of daily reports ;—and that they have been subjected to no periodical comment more systematic or accurate than the brief and hurried remarks of a newspaper editor.

The conductors of the present work have endeavoured to supply this remarkable deficiency in our periodical literature, and if they have only in a moderate degree succeeded in carrying their design into execution, they will have produced a work as novel as it is important. Some now living remember the sensation produced by the first appearance of the **ANNUAL REGISTER** ; and if that work was deemed to have formed an epoch in the annals of literature, it is hoped that the present will be esteemed at least as striking an accession to the means of diffusing political knowledge.

In the present part, all the debates on a given subject, after having been carefully revised and collated, have been collected under the general head to which they respectively belong ; nothing being omitted but mere conversations, of no interest except at the moment of utterance ; such as discussions regarding the day



#### ADVERTISEMENT.

or hour at which a given debate should be entered on, questions of order, and the like.

After the debates will follow, in a separate part, a careful examination, as well of the measures discussed, as of the arguments adduced on both sides of the question, and of the conduct of Parliament with reference to the matter in hand.

Of these critical essays it is not for the conductors of the work to say much; but they can safely affirm, that they have been and will be exempt from vehemence or invective, and impartially directed to what ought to be the only end of legislation—not the predominance of a particular party, sect, or portion of the community—but the greatest happiness of the greatest number.

Next to the Debates of the Parliament itself, the most interesting and instructive documents, as well for the man of business of the present day as for the historian of future times, are the papers annually presented to both Houses in the shape of Reports of Committees, Minutes of Evidence received by them, and Returns made on official authority.

These form annually nearly twenty thick folio volumes, which are printed solely for the use of members; and whether we consider the expence, the labour, or the space required to render them available to public use, they may be said to have been hitherto almost inaccessible.

The substance of all these which possess any general interest, as well as the whole of the more important Reports of Committees, have been condensed and arranged in a separate volume, which will be presented to the public, printed uniformly with the Debates and Review contained in the first. To the merchant, the manufacturer, the lawyer, the statesman, and the man of letters, these documents are now rendered accessible at a small expence, and are so arranged that they may be referred to almost without the aid of an index.

To foreign nations, particularly France and the United States of America, the whole will afford a view of British affairs, more clear, comprehensive, and authentic, than any which can be obtained elsewhere.

Such is the present work, and such its claims to public favor.

Even if feebly executed, it cannot be a mean assistance to the progress of knowledge and improvement;—but as neither expence nor labour have been spared to its completion, the conductors are not without hopes that the execution may in some degree correspond with the design.

The Review appears on the first of January in every year; the Debates, and Abstracts, as soon after the close of each Session, as a due attention to correctness will admit; and each part may be had separately.

**\* \* COMMUNICATIONS from Members of Parliament,  
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Paternoster-Row.**



# **PARLIAMENTARY HISTORY.**



2

# PARLIAMENTARY HISTORY.

SESSION OF 1826:—7 GEO. IV.

On THURSDAY, Feb. 2d, the Session of Parliament was opened  
by Commission from HIS MAJESTY.

## THE KING'S SPEECH.

The Commons being summoned to the House of Lords in the usual form, and the commission being read, Lord Gifford (the Lord Chancellor being absent from indisposition) read His Majesty's Speech as follows:—

*My Lords and Gentlemen,*

"We are commanded by His Majesty to inform you, that His Majesty has seen with regret the embarrassment which has occurred in the pecuniary transactions of the country since the close of the last session of Parliament.

"This embarrassment did not arise from any political events, either at home or abroad: it was not produced by any unexpected demand upon the public resources, nor by the apprehension of any interruption to the general tranquillity.

"Some of the causes to which this evil must be attributed lie without the reach of direct Parliamentary interposition, nor can a security against the recurrence of them be found, unless in the experience of the sufferings which they have occasioned.

"But to a certain portion of this evil, correctives at least, if not effectual remedies, may be applied; and His Majesty relies upon your wisdom to devise such measures as may tend to protect both private and public interests against the like sudden and violent fluctuations, by placing on a more firm foundation the currency and circulating credit of the country.

"His Majesty continues to receive from his Allies, and generally from all Foreign Princes and States, the strongest assurances of their friendly disposition towards His Majesty. His Majesty on his part is constant and unwearied in his endeavours to reconcile conflicting interests, and to recommend and cultivate peace both in the Old World and in the New.

"His Majesty commands us to inform you, that, in pursuance of this policy, His Majesty's mediation has been successfully employed in the conclusion of a treaty between the Crowns of Portugal and Brazil, by which the relations of

friendly intercourse, long interrupted between two kindred nations, have been restored, and the independence of the Brazilian empire has been formally acknowledged.

"His Majesty loses no opportunity of giving effect to the principles of trade and navigation, which have received the sanction of Parliament, and of establishing them, as far as possible, by engagements with foreign powers.

"His Majesty has directed to be laid before you a copy of a Convention, framed on these principles, which has recently been concluded between His Majesty and the King of France; and of a similar Convention, with the free Hanseatic cities of Lubeck, Bremen, and Hamburg.

"His Majesty has likewise directed to be laid before you a copy of a treaty of amity, commerce, and navigation, concluded between His Majesty and the Republic of Colombia, the ratifications of which have been exchanged since the close of the last session. For the carrying into effect some of the stipulations of this treaty, His Majesty will have need of your assistance.

"His Majesty regrets that he has not to announce to you the termination of hostilities in India; but the operations of the last campaign, through the bravery of the forces of His Majesty, and of the East India Company, and the skill and perseverance of their commanders, have been attended with uniform success; and His Majesty trusts that a continuance of the same exertions may lead, at no distant period, to an honourable and satisfactory pacification.

"His Majesty's attention has been directed to the consideration of several measures, recommended in the last session of Parliament, for improving the condition of Ireland.

"The industry of that part of the United Kingdom, His Majesty has the satisfaction of acquainting you, is in a course of gradual and general advancement—an advancement mainly to be attributed to that state of tranquillity which now happily prevails throughout all the provinces of Ireland.



"Gentlemen of the House of Commons,

"His Majesty has directed the estimates for the year to be prepared and laid before you.

"They have been framed with an anxious desire to avoid every expenditure beyond what the necessary demands of the public service may require.

"His Majesty has the satisfaction of informing you, that the produce of the revenue, in the last year, has fully justified the expectations entertained at the commencement of it.

"My Lords and Gentlemen,

"His Majesty deeply laments the injurious effects which the late pecuniary crisis must have entailed upon many branches of the commerce and manufactures of the United Kingdom; but His Majesty confidently believes, that the temporary check which commerce and manufactures may at this moment experience, will, under the blessing of Divine Providence, neither impair the great sources of our wealth, nor impede the growth of national prosperity."

The Commons then withdrew, and the Lords Commissioners retired to disrobe.

#### THE ADDRESS.

(The debate on the Address, forms, properly speaking, the commencement of the debates on the Paper Currency and Commercial Distress, for which the reader is referred to the head of FINANCE AND TRADE: but from the desultory nature of the discussion on the Address, it is thought expedient to preserve it in the present place, as it is assignable, with strict propriety, to no general head.)

The Speech having been again read:—

The Earl of Verulam, in rising to move the address, observed, that on all material points, the state of the nation afforded sufficient grounds for congratulation. Whatever unfavourable circumstances he had to notice, were of a temporary nature: he had no long series of national calamities to deplore, no protracted war to lament. But it was not to be expected that there should be no disagreeable feature in the picture. "Man is born to trouble as the sparks fly upward," and every state of things was liable to uncertainty and change. Accordingly, the first topic of the Speech, and the first to which he should allude, related to the late extraordinary and unexpected panic, which had occurred in the pecuniary transactions of the country. It was the more unexpected, because it occurred at a moment when the prosperity of the country appeared at its height, and when money abounded to an uncommon extent. It seemed easy to obtain money for any purpose, and he believed it was the difficulty which capitalists experienced in obtaining adequate interest for their money, which had led to the wild speculations which had taken place. This over-speculation was the main cause of the distress which had been felt in the commercial world; but it was one which would cure itself, and which, therefore, ought not to be the object of Parliamentary interposition. As to other circumstances connected with the late pecuniary embarrassments, he was confident the evils were not irremediable. The way in which the panic had been met by merchants, bankers, and individuals of property, was a circumstance of great congratulation, and must induce their lordships to turn their attention speedily to the great ob-

jects recommended by His Majesty—the placing the credit of the country on a more firm foundation. It was to be hoped that adventurers and speculators would take warning from the past, and in future be guided by more wisdom and moderation in their schemes.—Their lordships would perceive from His Majesty's speech, that the termination of hostilities in India could not be announced, although the military operations had hitherto been attended with success. This war had not for its object any extension of our empire in India; its only purpose was to obtain secure and honourable peace. The improving state of Ireland offered a further topic for congratulation, as did also His Majesty's assurance, that His Majesty continued to receive from his allies, and generally from all foreign powers, assurances of a friendly disposition.—The noble earl concluded by moving an address, congratulating His Majesty on the statements contained in his Speech.

Lord Sheffield rose to second the address. He regretted the ruinous course which speculation had lately taken, but he believed that the solid commerce and manufactures of the country remained uninjured by any thing that had happened. Many branches of trade had not been affected. Paper-makers, he understood, had been very little injured; and the woollen-trade had not suffered much. He was also happy to say, that the situation of landed proprietors was very favourable. Even in those districts where the late panic had been most felt, they had experienced no inconvenience from it. After calling their lordships to concur in those parts of the address which congratulated His Majesty on the friendly disposition of Foreign Powers, and the treaties concluded with Brazil and other states, he adverted to the war in India, which, he said, had been carried on with great ability, and so as to meet the approbation of the highest military authorities in this country. He concluded by seconding the address.

The address having been read from the woolsack,

Lord King observed that the causes of the present embarrassments were in some degree to be attributed to the Government, in a greater degree to the Country Banks, and in a still greater to the Bank of England. He blamed the Government for having by their measures extended the circulation of 11. and 21. notes; he blamed them for listening to the bankers, and acceding to the Small Note bill; but the Bank of England was most to blame. The whole object of the Government had been the reduction of interest. They had reduced the interest on Exchequer-bills so as to bear on the whole operation of the funds. This was the great object of ministers, and in anticipation of that great operation all their absurd measures had been adopted. Their lordships, no doubt, remembered the memorable speech of a memorable ex-Chancellor of the Exchequer, who said that if a man rose in the morning and found a guinea in his pocket, that circumstance would be of no importance; but if he rose and found the rate of interest reduced, that would be something indeed—that would be of great use to him. Ministers had by their measures protected the projectors of schemes, who had taken the guineas out of the people's pockets, and left them nothing but scrip in its stead, with which they might now subscribe for a monument to that ex-Chancellor with whom this transfer of property had originated. The state of the

currency of the Bank of England aggravated the disorder; and under the present system the Bank was a machine, the effects of which must necessarily be mischievous. If their lordships wished to create a machine of that nature, incapable of doing good, and which must do mischief, they would begin by giving it a monopoly, and relieving it from all rivalry and competition. They would next give the Government and the Directors not an interest of profit and loss in the fair money transactions of the Bank, but an interest in the misconduct and mismanagement of its affairs. It was impossible but that the Directors must have a very strong interest in mismanagement, and nothing could give them an interest in right management but their having an immense stake in the results of profit and loss. The Bank was much too vast to be rightly conducted. If their lordships looked back to what had happened, they would find that the Bank had been, if not principals, accessories in every pecuniary embarrassment. At the end of 1824, and the beginning of 1825, the Bank very considerably increased their issues. For this he had the authority of one of the most eminent merchants in London, Mr. Tooke, as given in the book lately published by that gentleman. The average of the weekly returns for each of the three years, ending in April, 1825, were there stated as follows:—

|                   |              |
|-------------------|--------------|
| April, 1823 . . . | £ 17,750,473 |
| April, 1824 . . . | 19,011,575   |
| April, 1825 . . . | 20,881,123   |

It thus appeared "that an increase in the banking circulation of 3 millions had taken place in the year ending in April 1825, as compared with the circulation in the year ending April 1823." He believed the noble lord (Liverpool) would very willingly put down this system, which was the cause of the panic and the embarrassments which had happened; but the fact was, the Bank was too strong for him. He believed, also, that the noble lord would not have put out the 11. and 21. notes if he could have helped it; but the country banks and the country gentlemen were too strong for him. The country gentlemen wished to keep up their rents and prices, but they could not do this without the small notes, and these the noble lord durst not refuse to them. Would the noble lord be so good as answer him one question? Did he mean to make any alteration in the corn laws, and at what time would he venture to bring forward this proposition—in this session or any other?

Lord Liverpool:—"I will answer that by and by."

Lord King was afraid, from the noble lord's look, that nothing was intended to be done, and that the time for altering the corn laws would never come. This subject brought to his mind the disgraceful defeat of the Government on a measure of the last session,—he meant the Canada Corn bill. When that measure passed the House of Commons, and was brought before their lordships, the noble earl endeavoured, but in vain, to get it through their lordships' house. He asked them to let it pass for only two years. No. Would they let it pass for only a year and a half? The answer still was no. He then begged hard for one year, and for one year he was allowed to take it. The fact was, the present ministers did not possess the power and vigour of the man in whose footsteps they pretended to follow. The situation of the noble lord reminded him of the answer given by the

Dutch ambassador to Charles II. The king having complained that more respect was paid to the remonstrances of Cromwell's government than to those of his own, the Dutch minister answered, with great sincerity, "Ah! but your Majesty will recollect that Cromwell was a very different man from your Majesty." So he must say of the noble lord opposite, that he was a very different person from Mr. Pitt or Lord Grenville. The corn laws were, however, a subject which sooner or later must come under the consideration of their lordships. The subject could not be avoided. At the same time he was convinced that it was only by repeated discussion that any alteration could be produced. They had heard much of jobs, but this was the most enormous job in the whole history of misrule. There was the West India job, but that only made sugar dearer. Then there was the East India job, which once monopolized all the trade of the Indian and Chinese seas. But neither of those jobs equalled this. The Bourbons had always been famed for their monopolies, particularly the Bourbons of Spain—the most foolish of all God's viceregerents on earth. These Bourbons had granted a monopoly of the hides of Buenos Ayres to an individual; a monopoly of the trade of Mexico, and Peru, to a single city. For this they were held up, living or dead—he believed they were of more use when dead—as political scarecrows to bad governments. But all their monopolies were as nothing to the monopoly of the landed interest of England. It was a monopoly in food, of all monopolies the most infamous. He believed there was no other assembly in Europe wherein it would be thought necessary to endeavour to prove the advantage of cheap food. It was worth while, however, to observe, that the government of this country and their lordships were never slow in punishing the breakers of machines. Why were they so ready to protect machinery? Because they knew that machines rendered labour cheap. But if it were good to have machines for that purpose, it was also good to have cheap food; for without cheap food they could not have cheap labour. It was said that our agriculture required a protecting duty, in consequence of the low price of corn upon the continent. But let their lordships look at the effect of this argument; for in proportion as the difference of price here and on the continent was productive of gain to them, it was productive of loss to the consumer. If they showed that corn only sold for two shillings there, at the same time that it sold for ten shillings here, they proclaimed their own avarice, and the injustice that was done to the consumer. When the celebrated voyager, Mr. Lemuel Gulliver, gave an account of that august assembly to the king of Brobdignag, and told him how they were all constantly employed for the good of their country—if he had added they were always occupied in contriving to keep up the price of corn, his Brobdignagian majesty would have been well justified in answering as he did, that they were the most contemptible race of little reptiles in the world, and their rulers the most selfish and unjust. In his opinion nothing but a revision of the corn laws could extend and perpetuate the prosperity of the country; and he should, therefore, move an amendment, pledging the house to that effect, as he was not satisfied to leave it depending upon the promise of ministers.—His lordship concluded by mov-



ing, that a paragraph be added to the address, pledging the house to revise the present corn laws, as the best means of extending the commerce and prosperity of the kingdom.

Earl Grosvenor saw nothing in the state of the country to encourage the hope which the Speech held out, although its general tone was most humble. He thought, however, that that humble tone was creditable to ministers; he had always regretted the fallacious prospects and groundless hopes which had usually been introduced into documents of this description, even in the most disastrous periods, for the purpose of throwing a mask over the state of affairs. It was said that the produce of the revenue had answered the expectations which had been entertained of it. They all knew that there had been no addition to the revenue in the last year; but then his Majesty's ministers might not have anticipated any, on account of certain duties having been taken off. But he contended that a failure in the duties was occasioned by the embarrassments produced throughout the country by the panic which prevailed last year, and he would therefore enforce upon ministers the necessity of adopting measures of economy, which were the only means of preserving the prosperity of the country. He maintained that at the time of the peace no reason whatever existed for the non-reduction of the army. At one period, indeed, it was urged that it was necessary to retain a large military establishment to keep down the radicals; but the largest assemblage of radicals which had ever taken place, took place at Manchester, when the magistrates having recourse to a very ill advised measure, the radicals were dispersed,—and by whom? By a handful of volunteer yeomanry. This, therefore, was no pretext for not reducing the army. Now they would be told to look at the state of India; but if ministers had husbanded their resources this way in time past, they would have been better enabled to meet the present disastrous war in that country; he called it disastrous, because of the great expenditure of life which attended it; and whoever had sanctioned or approved of the commencement of that war, had a great deal to answer for, unless they could make out a strong case of necessity. Then the state of things in Ireland—and that was a subject upon which he could not speak without feelings of great regret—rendered it necessary, it was said, to maintain three-fourths of the army in that country alone. But their lordships knew why; they had last session rejected the bill which would have removed the great source of discord in that country. The people of Ireland must have the feelings of men; but if once that measure were adopted, the necessity of keeping an army in Ireland would be removed, and a great expense saved to the nation. He concluded by pressing upon Ministers the necessity of adopting a system of economy, at the same time declining to support the amendment.

Lord Teynham opposed the amendment. This country was not like other corn countries, and was, therefore, necessarily placed upon a different footing. Every thing had been done that was possible, to serve every other class as well as the agriculturists, and to lighten that distress which was attributable, not to the price of corn, but to the rage for mad speculations on which people flung away their money, in consequence of that diminution of interest to which

ministers had recourse in order to reduce the burdens of the country. This was the cause of the gold being carried out of the country, and hence the panic which had taken place; it was, therefore, not to be attributed to the price of corn.

The Marquis of Lansdowne did not rise for the purpose of discussing the unfortunate topic which formed so prominent a part of the Speech, for it would be impossible for the house to enter upon that topic now, without having received any information respecting the nature of the views or intentions of Government. It was a subject upon which he could not say any thing, without saying a great deal; he would not, therefore, now attempt to inquire how far that measure would be obliged to receive reconsideration, which authorized the issuing of 11, and 21. notes; or how far the present embarrassments were owing to that measure, and the other laws relating to banks, and to the monopoly of the Bank of England; or how far any of these causes had produced a considerable part of the evil now admitted to exist. All he meant to do at present, was to claim a complete reserve on the part of himself and of the house as to their opinion respecting the possibility of the application of any corrective, or of that in particular which seemed to be contemplated by Government. He did not even wish to call on the noble earl (Liverpool) to state more particularly at present the nature of his proposed corrective, because he did not think that the address pledged the house to any thing upon that subject. The case was the same with respect to the corn laws; not that he did not think it would be incumbent on their lordships, and the members of the other house, to express their opinions upon these subjects; but that they were not called on to do so in the absence of that information which he believed his Majesty's Government had been endeavouring to procure. The same observation applied to the state of the currency, as well as of prices in this country, because he believed it would be impossible to separate these questions from each other, and also from the question of free trade. Having said this, he trusted he had said enough to preclude himself, and he hoped others, from entering upon the discussion of these topics at present, leaving it to the noble earl, if so disposed, but not at all pressing him, to state more particularly the nature of his intentions upon the subject; and also whether he had any measure in view respecting the state of Ireland.

The Earl of Liverpool said, that after the statement made by the noble marquis, he did not conceive himself called upon to enter upon the consideration of the important points alluded to in his Majesty's Speech. At the same time he should exhibit no reserve—not as to details, for it would be impossible to treat of them with effect at that moment—but as to the general nature of the measures which it might be the disposition of Government to propose. He would there trouble their lordships with a short statement. In the first place, however, he would call their attention to this circumstance, that the convulsions in the pecuniary transactions of the country were not attributable to him or the other members of Government. Their lordships might recollect that in March last, he would not say he took, he created almost, an occasion of stating to their lordships what, sooner or later, would be the effect of the rash spirit of speculation which then existed in the

country, and of giving notice, in a few words, to their lordships and to those persons who, by rash speculation, might become involved in distress and ruin, that they must abide by the consequences of their own acts, and that they would have no right to expect from Government and Parliament that relief which had been afforded on some former occasions. Something had been said as to the causes of recent events. There was one cause so prominent, so great in magnitude, that even if he were disposed to allow that other circumstances might have acted in the way of aggravation,—and he would not deny that they had done so, because it was almost impossible to say that any great national embarrassment arose from only one cause,—yet this cause was so complete in itself, that it was sufficient to account for all that had happened. Their lordships knew the general spirit of mad speculation which had prevailed in the country during the last two years, and they would at the same time recollect his having stated, on the occasion to which he had before referred, that this spirit was not confined to the metropolis, but was extending itself over all the country through the medium of public banks. It must be evident that, from the peculiar nature of the circulation of country bank notes, it was extremely difficult to state precisely what was the amount of that circulation at any particular period. But there was a document which showed the progressive state of the country bank circulation with sufficient accuracy to serve the purposes of general reasoning. All country bank notes must be stamped; and it appeared from a return, from the Stamp Office, that in the years 1821, 1822, and 1823, the average number of notes stamped in each year was four millions and one or two hundred thousand. He spoke of their value, not of their numerical amount. The difference between particular years within that period never amounted to more than one or two hundred thousand pounds;—a difference which might easily be accounted for by incidental circumstances. In 1824, when the spirit of mad speculation to which he had referred first began to prevail, the amount of country bank notes increased to about 6,000,000*l.*; and in 1825 it increased to about 8,000,000*l.*, being double what it was in 1821, 1822, 1823. Was it not sufficient to state that fact to their lordships—to show the progressive increase of the country circulation during the two last years—to account completely for all the effects of over-trading and rash speculation upon the general interests of the country? He did not deny that, during the same period, there had been some increase of the Bank of England paper; but it bore no proportion to the increase in the circulation of the country banks. He had stated this fact as a circumstance which was alone sufficient to account for all the consequences which had operated upon the pecuniary transactions of the country. The noble lord who commenced the debate had accused ministers of having participated in causing the existing embarrassments, by endeavouring to lower the rate of interest. If ministers had introduced any forced measures which could operate to lower the rate of interest, he should agree with the noble lord in thinking that such conduct would have been highly blameable; but what were the facts? There was a rise in the price of public securities, and a lower rate of interest, the consequences of continued peace and the pros-

perity of the country. Government would have been highly blameable, if they had not taken advantage of those favourable circumstances in order to reduce the burdens of the people. By the measures which Government adopted, they had been able to take off 1,800,000*l.* of taxes, and to reduce the interest of the national debt, 1,400,000*l.* a year. He hailed those measures as most auspicious circumstances for the interest of the country, and he considered that ministers were bound by the most solemn duty to effect the object which the noble lord had condemned, not certainly by any forced or extraordinary measures, but by taking advantage of the natural course of events. He agreed with that part of his Majesty's Speech which stated, that for the effects of over-trading, and rash speculation growing out of the prosperity of the country, no cure could be found in legislation, and that it was only to be found in individuals having a sense of the danger and inconvenience to which they exposed themselves by such acts. But undoubtedly he likewise concurred with the declaration in the Royal Speech, that correctives and palliatives might and ought to be applied to present distress. The measures which would be brought forward were none which had not been proposed before. From what causes they had failed, was a question which at that moment it was not necessary to discuss. It was sufficient for him to show that they were not new ideas drawn out for the first time by present circumstances. The putting of some check, in one way or other, on the issue of small notes, was a plan suggested by his noble friend (Lord Bexley); so likewise was an arrangement with the Bank of England, having for its object to alter the situation in which that establishment stood with the public. One of the measures which Government would submit for the consideration of parliament, was a regulation by which the one and two pound bank-notes would be gradually withdrawn from circulation, and a metallic currency substituted for them. Another measure related to the Bank of England. He was perfectly satisfied—and those who knew his opinions were aware that he had entertained the conviction for years—that the country had grown too large, that its concerns were too extensive, to allow of the exclusive privilege of the Bank of England. The privilege of the Bank might have been highly useful in the early period of the history of our commercial transactions, but he was convinced that the country was now too large for any one such exclusive establishment (hear). The Bank privilege operated in a most extraordinary, and, he thought, a most unfortunate manner for the country. Any low person, any small tradesman, a cheesemonger, a butcher, or a shoemaker, might open a country bank; but a set of persons with fortunes sufficient to carry on the concern with security, were not permitted to do so. That was its actual operation. He was old enough to remember the time when there was scarcely such an institution as a country bank, except in great commercial towns; and when the transactions of the country were carried on in Bank of England notes and money obtained from London. But now, when such a mode of conducting the transactions of the country was no longer practicable, it ought to be the policy of parliament to place all country banks on a solid foundation, and to amend a state of law which he would not say allowed of



the establishment only of banks which were not solid, because he believed the greater proportion of the country banks were substantial, but which certainly prevented the establishment of those which, from the nature of their constitution, must be most solid. It was, however, necessary to deal with the existing charter of the Bank of England, which would not expire till 1833. But if the Bank could be induced to give up so much of their exclusive privilege as related to country banks, and if they would accompany that surrender by a measure which he thought would be desirable for their own sakes, namely, the establishment in some parts of the country of branches of their own institution, the effect on the general circulation of the country would be most beneficial (hear, hear). Such was the general nature of the measure which Government would feel it necessary to propose at the present moment.—With respect to the question put to him by the noble baron, on the subject of the corn laws, he had no difficulty in repeating what he had stated last session; namely, that his opinion was, that sooner or later it would be highly desirable to revise the general system of those laws. There was, however, a variety of circumstances to be taken into consideration with regard to time. He had no difficulty in stating, that it was not his intention, nor that of any member of his Majesty's Government, to bring forward any proposition with regard to the general question during the present session. He saw no circumstances connected with the present situation of the country which rendered it the imperative duty of Government to bring that question under consideration. He spoke particularly of the general question; because it might be necessary to re-consider a detached measure with respect to Canada corn, which was passed last year, and would expire in 1827, in the course of the present or of the next session.

The Earl of Caernarvon doubted whether the gradual withdrawal of the one and two pound bank-notes would have all the beneficial effect which the noble earl anticipated. He had never concurred with the opinion which many had entertained of the difficulties of the country having terminated with the resumption of cash payments. It was impossible to pay in gold a debt contracted in paper. He hoped that parliament would take the whole of the question into consideration, and not confine its attention to particular branches.—He supposed that it was intended to place country banks generally on the same footing with those in the northern part of the island. Previous to the last war, the greater portion of the currency of those banks was paper. Under that currency Scotland had flourished, and had not experienced those convulsions which this part of the country had felt under the restrictive system. It was, therefore, highly desirable that parliament should consider the question in all its parts, and establish a permanent system, instead of vacillating from year to year, and constantly changing measures. The temporizing measures adopted with respect to the silk-manufacture, had greatly aggravated, if not entirely caused the distress under which that trade was at present suffering. The introduction of foreign silks was postponed for two years, and the consequence was, that the manufacturers entered into extensive speculations, and overstocked the market during the period allowed for the continuance of their monopoly. If they had

been allowed only a few months to dispose of their stock on hand, the existing distress would not have prevailed. Under these circumstances, he was desirous that their lordships should fully consider the whole question, and adopt decisive measures.

The Earl of Lauderdale said, that from the time when he had first thought upon the subject of the currency, he had always been of opinion that a paper currency, convertible into gold on demand, was that which was best adapted for the transaction of the business of a country. A currency of that description at present existed in this country. He challenged any of their lordships to state an instance since the resumption of cash payments in which gold had not been given in exchange for paper when demanded. In his opinion it was not to the currency that it was necessary to look for the origin of the existing embarrassments. In the course of the last year, there had been a demand on the capital and labour of the country to the extent of 17,000,000*l.* Let any man consider whether the country was capable of answering that demand. The distress which was caused at the commencement of the late war, by the raising of a loan of only four millions, was nearly as great as that which at present existed. Could the present state of the country, then, be matter of surprise, when a demand was made on its labour and capital to the amount of seventeen millions? The evil had arisen from unwise speculation, and would cease when the cause no longer operated.

The amendment was then negatived, and the address agreed to without a division.

COMMONS.—The Speaker having read the Speech,

Mr. J. Stuart Wortley rose to move the address. In adverting to the Speech, the first subject that arrested his attention was the great shock which the country had lately sustained in its mercantile transactions. But he would ask if there was, especially at the present moment, any reason for alarm? In his conscience he believed not: the crisis seemed now to have passed. The present was not the only period in which mercantile affairs had been disordered. Similar difficulties had occurred in 1793 and 1798. But at the former of these periods, the country was on the eve of a tremendous war—a war through which no person could clearly see his way. Again, in 1798, when a still greater commercial calamity had prevailed, the national resources had been largely drawn upon to support the war, and the country was surrounded by accumulated difficulties, the natural consequence of its continuance. The causes in which the distress then originated, might, perhaps, be in some degree charged on Government, who had entered into and promoted the war; but now, not only did the same causes not exist, but those in which the distress originated were such as Government could not possibly control (hear, hear). The present evil was a temporary and a transient one. The former could not be regarded so, as it arose out of a war, at the time of entering into which, it was impossible to calculate either the period of its termination or the amount of its cost (hear, hear). Now there was no war—no alarm from foreign nations—nor apprehension from domestic disturbance. The causes were altogether different. At the commencement of the last year, there was an apparent redundancy

of capital, which induced the employment of it in speculative loans, and in schemes of remote and uncertain profit; this was a great and a leading cause of the recent commercial calamity (hear, hear). Another cause was to be found in the circumstance of many of the foreign exchanges being against this country. To these causes was to be added another and a proximate one, namely, the failure of several country banks. All these were temporary, and a corrective might be found for them, in giving up those plans of wild and extravagant speculation in which they originated. With respect to the other part of the subject, that which related to the currency, from whatever cause the present state of the currency arose, it required some alteration, and strongly called for the interposition of parliament. In those periods of commercial distress to which he had before alluded, 1793 and 1798, parliament did interfere, and interfered with effect (hear, hear). And what parliament had done before so much for the public advantage, it might surely do again. A principal part of the distress had been owing to the apprehension of a deficiency of gold to meet the demand for it. This apprehension arose from a belief that prevailed that gold was exported out of this country to meet some of those demands which were occasioned by those foreign loans and speculations to which he had alluded; and the consequence was, that there was thereby encouraged in this country a morbid paper circulation (hear, hear). The manner in which country bankers issued their notes called strongly for the attention of the house. It was, in his opinion, little less than a fraud to issue notes without having a security equal to the amount of the issue. It was not right that a business, on which the welfare and very existence of the country depended, should be undertaken by persons who had not the means of giving security to meet the demands for which they became responsible. The subject was one surrounded with great difficulties, and he would leave it to his Majesty's ministers to suggest what alterations in the present state of our currency it would be advisable to adopt. He could not forbear expressing on this occasion, the great gratitude which the country owed to the Bank of England for the manner in which they acted on the late crisis. By their conduct they had raised themselves in character, and deserved to be raised also in the confidence of the country. That he (Mr. W.) was correct in stating that one of the present causes of the distress mainly originated in the wild spirit of extravagant speculation that lately raged, he would refer to a Report of the Committee of the house in 1811, which stated, among other causes of the distress that prevailed at that time, "that it was a result of the too great freedom of commerce which had been indulged in since the commencement of our intercourse with the South American market." An immoderate indulgence in such visionary undertakings as had been lately engaged in, could not fail in being ruinous, and it became the British merchant to discountenance schemes of extravagant speculation. In reviewing the causes in which the distress originated, he should not omit to notice the effect of the repeal of the Combination Laws. The combination among the workmen which had reached so alarming an extent, had now subsided. In Bedford, among the clothiers, their conduct had for weeks assumed quite a formidable appearance, but he was happy to learn that a better spirit now prevailed amongst them, and that these differences throughout the country had nearly all terminated in an amicable reconciliation. Because these distresses and excesses consequent on the change of our commercial policy, and of the repeal of the Combination Laws had taken place, did he mean to condemn that policy, or to desire that the combination laws should be re-enacted? By no means. The removal of restraints on uneducated minds was calculated to lead to violence; but as the principles on which these restraints were removed were sound and good, the evil would be only temporary, whilst the advantages would be permanent (hear, hear). The commercial regulations which had been formed with foreign nations were most creditable to this country, and likely to confer great and general blessings. The commercial treaty with France was highly calculated to give effect to those principles of trade and navigation which Parliament had previously sanctioned. That Convention, as well as the Treaty of Amity, between this country and Colombia, was equally creditable and beneficial, not so much for the stipulations it contained, as for the enlarged principles of policy in which it was conceived and executed. In the amicable relations subsisting between this country and the other free provinces of South America, no blame can be attached to England for the part she acted in promoting these arrangements. It was now 15 years ago since the first effort was made in South America to throw off the authority of Spain. During all that period, and during the various stages of this progress of her struggle, Spain had an opportunity of entering into an amicable reconciliation with her Colonies. And she could not now with propriety censure us for having preceded her in the recognition which we found to exist independent of her, and from the recognition of which such important benefits were to flow. In effecting this plan of amicable equity, we left her no cause of complaint. We took no advantage of her, nor made use of any artifice against her. Another topic of congratulation in the Speech, was the mediation successfully employed in the conclusion of a treaty between the Crowns of Portugal and Brazil. A similar mediation might have been happily employed in restoring the relations of friendly intercourse, which had been so long interrupted between the South American Colonies, and their Mother Country. He was happy to state to the house, that Europe was in a state of almost perfect tranquillity, for she was disturbed only in one quarter, and he was not without hopes that even in that direction, all sources of dispute might be brought to an adjustment, and that the present contest might be settled to the general advantage of the contending parties, and to the satisfaction of the other kingdoms of Europe. With reference to the war that we had been carrying on in the East, the disadvantages to which we had been exposed, had originated principally from the climate. He had great pleasure in referring the house to another part of his Majesty's Speech, by which they would find that the revenue of the country answered the expectations of ministers. Although the receipt of the last quarter varied from the average receipts of the year, yet the result of the whole year would be found to be highly satisfactory.—He would now refer to a subject which never failed to excite the liveliest feel-



ings in the house—he alluded to the state of Ireland. From every report received from that country, it appeared that she was disengaging herself from the evils under which she had laboured, industry was diffusing itself throughout all her provinces, and he need not state, that industry was the never-failing precursor of tranquillity. The house would recollect, that the committee which had sat last year upon the state of Ireland, had made several Reports, containing a mass of the most valuable information, and it likewise recommended several salutary measures, which experience would prove to have been productive of advantageous results.—Reviewing, therefore, the general state of the empire, and the public transactions of the preceding year, he did not hesitate to call upon the house for its Address to the Throne—not in any spirit of servility, but in a spirit of pure loyalty, and with reference to the satisfactory state of the country.

Mr. Green in speaking of the duty which devolved upon Parliament, of examining into the causes which might have produced the late commercial shocks, as also to take such measures as it should deem fit and convenient to prevent the recurrence of similar calamities,—in touching upon these points, as well as upon several others, he could only again go over the ground which had already been so ably taken by the hon. mover; but the subjects were of such deep and paramount importance, that he should feel it compromising his duty to be wholly silent upon them in seconding the motion for the address; looking first, then, at the subject of the late distresses, it was not unnatural to go back to the events—somewhat similar—of 1793 and 1797; but upon a slight examination, it would appear that the distress at those periods had fallen out under circumstances widely different from the circumstances of the present day. The distress in 1793 had arisen at the outset of a war: that of the present day in a period of profound peace, without the slightest apprehension of war; after a harvest full and abundant; our commerce and our manufactures prosperous. But with all this difference between the state of things at present, and in 1793, there was one point of strong similarity: it would be remembered that both in 1792, and in the year now last past, the interest of money had been unusually low. In 1792 the manufactures of the country had been rapidly advancing; and the general prosperity was such as induced many individuals to trade beyond their capital. The country banks at that time had not the power of issuing small notes, but those which they were empowered to issue they had sent out to a vast and dangerous excess. The consequence was, that the country was glutted with paper. A slight apprehension produced immediate pressure upon those who were believed least able to sustain it; and the stoppage of these pulled down others who were solvent, but who were unprovided, nevertheless, to meet so large and sudden a demand. The failure of one man, of necessity, led, on and on, to the failure of some other; there was a demand for cash very far beyond the possible supply; and out of a mischief in many cases imaginary, real mischief was created, until the most serious, as well as general, distress and difficulty was the result. Now let the house observe how nearly this state of things in 1792 tallied with the state of affairs perceptible at the opening of the last

session of parliament. Capital was so abundant, that the merest adventurer might go into the money-market; and let his scheme be the wildest that human fancy could suggest, he would find people to subscribe to, and support it. Then was it now to be a matter of astonishment that if the bubble of credit had burst, a void was left behind? or that, at the present moment, instead of a mass of capital floating through the country, we had a scarcity of it? With this part of the general question, there was connected one point which he could not forbear noticing, although it had been alluded to by the hon. mover;—he meant the conduct of the Bank of England during the late troubles. That body was justly entitled to the thanks of the country at large, for the prompt and liberal manner in which it had rendered all the assistance in its power. The sudden issue of their small notes had been a measure called for by the sudden withdrawal of local small notes from circulation, owing to the failure or caution of so many provincial establishments. The house would also feel, that although during the last year there had been a vast imaginary capital floating in the country, at the present time the real capital available was cramped, in consequence of many bankers still keeping large sums of ready money by them, to meet any sudden emergency. Whatever might be done, however, to prevent, as far as possible, the recurrence of such convulsions as the country had just suffered under, parliament would recollect that it was one of its first duties to leave the freedom of trade untouched, as far as was consistent with the common safety. To avoid a temporary and an occasional evil, we were not to give up a constant good. From time to time, under the best government, popular riots and tumults would arise; but no one thought of getting rid of those by cutting off, or even abridging the liberty of the subject. Means might be found to prevent anarchy and mischief, without striking at the root of constitutional freedom; and remedies might be discovered for occasional commercial evils, without weakening, by fettering it, that great system upon which the wealth and power of the nation depended. With the immediate nature of such remedies he would not then busy himself: but the house would recollect that the same remedies were not now likely to be applicable which had been resorted to in 1793. We were not now in a state of war, and Government had not, as in the year 1793, called upon the Bank for a large portion of the gold in its possession—a measure which had led, and necessarily, to the Bank restriction. This being a period of peace, too, in another sense it would neither be fair nor consistent with the interests of the country to take the course which had been taken formerly. We had now full leisure and opportunity; we might go into the system thoroughly, and put an end to the evil whatever it was; and certainly, as far as his opinion went, it was no less the bounden duty than the policy of the house to do so. For himself, he thought it would be a great boon on the part of the Bank, and one for which the country would be grateful, if that body should waive some portion of its charter, and permit the formation of joint-stock banking companies. The advantages to the public likely to accrue from such a system, were too obvious and well understood to be dwelt upon. The vast property which would then be contained in every banking establishment would

be sufficient security against the present danger of over issues. The business would be carried on by persons conversant with the true principles of the banking trade; and not, as now, by individuals often wholly ignorant of those principles, and who left the control and management of their establishments to needy adventurers, or wild and unprincipled speculators. Scotland already afforded us an example of the safety and convenience of this system. Scotland had a large paper currency; and neither felt difficulty nor experienced apprehension. Although no man could feel more anxious than he did to afford every possible facility and liberty to trade, yet it did seem to him that some restriction might be beneficially devised to keep within due limits the issues of the Bank. As regarded the issue of local notes, there could be no doubt that some immediate measure was imperatively called for. Parliament would grossly neglect its duty, if a course was not taken to relieve the country from future apprehension of much of the misfortune which it had lately been suffering; if it permitted the labourer any longer to have the whole means which were to sustain his family, and what had been acquired by his labour, placed in jeopardy by the extravagance or speculation of a trader; or if it upheld the existence of a system under which the same man, without fault or improvidence of his own, might one day be comparatively rich, and the next want the means of common existence. It was needless, however, to detain the house with long comments upon the performance of its duty; and he should therefore turn from the consideration, to a subject which all would agree afforded matter for unmixed congratulation.—If there had been some distress felt during the last year in England, in Ireland—for which every member, he was sure, felt as warmly as for England—in Ireland, at least there was every token of material improvement. The house last session, had entered deeply, not merely into great and general questions, but into the detail of her grievances, and into that of all measures which might be devised for her advantage. The arrangement of tithes had been rendered less irksome than before. Education was making rapid progress. The various recommendations which committees of both houses of parliament had submitted to Government had been acted upon; there had been nothing but a wish to do all that seemed possible; and where any scheme had failed, there was every readiness to change, to remove, or to review it. The house, moreover, had the happiness of finding that manufacturers were readily carrying their raw material to Ireland. Capital was flowing into the country, and employment—which was all that Ireland wanted; nor did he (Mr. Green) despair to find, in a short time, the landholders finding it their happiness, as well as their interest, to establish themselves on their estates; and Ireland, as well as England, enjoying the advantage of a resident gentry.—To touch for a moment on the foreign relations of the country:—he would not go at length into the question; but he could not feel otherwise than highly satisfied with the manner in which the alliance had been cemented between South America and England. We had been the first to lay before the world our broad, plain, common sense opinion, that the independence of the States of South America was not a question of opinion, but of fact—the facts had been established;

and, as it became us to do, we had acknowledged them. England had taken, upon that question, from beginning to end, that tone which was calculated to make her respected, and had made her respected, by the continental powers. She had shewn that she was not to be intimidated; that she had never held back from apprehension; but that she had prudence enough not to involve herself by haste and rashness, when her ends might be secured by safe and steady measures. As Englishmen, the house and the Government must have rejoiced to see the South American States relieved from thralldom. They must have felt the warmest satisfaction at seeing liberty—that right which they so highly prized themselves—extending her blessings over the face of that vast continent. Nations, however, were not entitled to be led away by their feelings. They were bound to act upon principles of justice and policy; upon these principles we had acted, and success had been our reward. It was true that Spain had interfered between us and our American colonies; but that act, if it was contrary to international law, would have formed no excuse for similar retaliation on our part. Such a system was one upon which no man of honour, in a private transaction, would have held himself allowed to act; and one which he should have been extremely sorry to have seen adopted, or even hesitated upon, by this country.—He would conclude with a single remark upon the subject of finance. It had been expected that, during the last quarter, there would be a considerable diminution of the revenue. This had been the case; but it was satisfactory to see that the calculation of the Chancellor of the Exchequer was not at all impeached by it. When the existing difficulties were over, there could be no doubt that, in many branches, the revenue would increase. From our trade, too, it was to be remembered, those shackles now were falling off, in spite of which, rather than by their assistance, it had succeeded in former times: no person who entered fairly into the question of free trade, but must see that the greatest advantages were to be expected from it; and he believed that, England having once set the example, all Europe would soon see the advantage of adopting the same proceeding. Thus then, seeing our finance on the way to mending—trade likely to increase; Ireland prosperous, South America affording a market for our produce, and our arms flourishing in the east—was it possible to believe, under such circumstances, that our national resources had failed, or our prosperity gone back? Peculiar and unfortunate events might for a moment have checked the flow of that prosperity; but as soon as the storm was over, it would return. Britain, in spite of all that was feared, would still continue to hold her high station among the nations of the globe; and the history of future ages would record the present distresses as the passing events of the day, and not as a permanent evil. He concluded by seconding the address.

Mr. Brougham professed that if, in the course of his parliamentary experience, he had ever been led to regret the disuse of the ancient practice which placed the Royal Speech in the hands of members some short time before they were called upon to give their opinions upon it, he doubly regretted the disuse of that custom, so fitting, as it seemed to him, when he looked at the variety of important topics which were touched upon by the Speech at present before



the house, and considered the difficulty, at a moment's notice, of giving an answer to them. As this old practice, however, was now departed from, and it had become customary for parliament to discuss the royal speeches without so much as having an hour, or indeed any time at all, for thinking about, or making up their minds upon them—as he was called upon, subject to this arrangement, at once to assent to, or dissent from, the address, or to move an adjournment—which, let it be understood, he did not mean to do—he rose merely to guard himself against its being assumed, only because he did not dissent from the address, that he therefore assented to any of the statements, or concurred in any of the doctrines laid down in it; and reserved to himself the right of discussing all those statements and principles hereafter. As such was his intention, therefore, it might, perhaps, seem a waste of time that he should occupy the attention of the house, by making any observations upon the address, or its contents, at all; but, though the document was in fact in the house little else than matter of form, yet it certainly always went forth to the public as if supported by a great deal more of the concurrence of parliament than it actually enjoyed; and he was inclined to think that the country would be very little satisfied to find the distresses under which it laboured treated so lightly, as, in the address now proposed, and apparently assented to by the house, they would appear to be. The distress under which the country was suffering, was only mentioned in any way once or twice in the course of the address, and then in terms not at all suited to its greatness or extent. It was mentioned as something not universal—not very serious; and confined pretty nearly to one branch of the commercial interests of England; whereas he believed that it was most serious, widely spread, and not confined to any single branch of trade, but extending over a very great many, if not over all the most important trading relations of the kingdom. Yet, notwithstanding the great pain with which all men must hear accounts of distress pervading the most populous and industrious districts of the country—and believing that that distress had by no means yet reached its height, but would yet spread much wider, and rise much higher than was supposed,—in the midst of all these calamitous circumstances, there was one fact which pleased him, as it shewed clearly, if any argument were wanting to shew that truth, that the distress, whatever might be the cause of it, was in no way owing to that more liberal, and he should say wise and just system of commercial policy which had lately received the approbation of parliament (hear, hear). If the distress under which the country suffered had been confined to the silk trade, some argument might have been raised—it would have been a chimerical argument, an argument void of reason or foundation;—but some argument might have been set up, that the new regulations in that trade had produced it: but as cotton, wool, linen, and various other branches of trade in the country, were suffering in an equal, some in a greater degree than silk, it would be quite in vain to charge the new law (which, moreover, had not yet come into operation) with having had any share in creating the calamity. Independent of his belief that the distress in the silk trade was referable to causes entirely distinct from the late measures touching that trade sanctioned by

parliament, those who set up the contrary opinion attempted to sustain it by arguments, or rather by assertions, which had no foundation in fact. They said, “the experiment has been tried; it has failed; and distress is the result.” This was not true; for the experiment had not been tried, but remained to be tried; and therefore it was impossible that the distress could be the result of it. For those who were loudest in complaining of the late alteration would find, that if any part of the new system had done harm, it was that of which they themselves would be the last to complain—the diminution of the import duties, and returning of the money; and that there had been no change yet whatever in that part of the arrangement, which kept upon the foreign manufactured silk, for the next six months, a heavy protecting duty. In the midst of all that suffering, it was a most painful thing, and it might seem an indelicate one—at all events it was always a thankless task—to tell people that their distresses were in any degree to be imputed to themselves; but it was his duty to say, that in his opinion, the root of the distress in the silk trade, as well as most other trades, arose from over-trading (hear, hear). He would not go back to the years 1793 or 1797, because he thought periods more analogous to the present might be found nearer at hand; and, to select two examples at once—he would take the first opening of the new branches of trade to South America; and the opening of the continent afterwards, in 1814. The last of these transactions had led to such an excess of exportation, that merchants had actually re-imported their own goods from Holland to this country, as a measure of less loss than the selling them abroad. And, in the former, iron, saddles, skates, and hardware of every description, had been sent over, until, in many cases, the proceeds scarcely had paid shipping charges and insurance. Now, if it was to be complained that the change of system had led to these distresses, it might be as well argued at once, that we should never alter any system that was objectionable, or, indeed, ever open any new market, for fear of the consequences of over-trading. But he trusted that, upon this subject, there would be no difference of opinion in the house. He might have been inclined to say, looking to what had occurred, that it would have been as well, perhaps, if some difference had been made in the mode in which the new measures had been brought into operation; but such a suggestion would now amount to being wise after the event; and, after all, the manner of the thing was of far less importance than the principle.—Apart, however, from the question of trade, there were certain other topics, touched upon in the Speech and Address, which he found it necessary very shortly to notice. At that time last year, when the aspect of foreign affairs had seemed to render it just possible that England might again be involved in war, there had been three circumstances which induced thinking persons to deprecate any disturbance of peace as far as possible: these circumstances were—her debt—her currency—and the state of Ireland. The debt was out of our reach; but the other two evils—the currency and Ireland—were not so. To these two evils, then, it behoved the house to pay immediate attention, and not wait, before they acted, for the day when a war should be necessary, and of necessity, must come. Now, when he heard it said that Ireland had been per-



fectly quiet and prosperous, he rejoiced to hear it, and did not question it; but yet he thought that the cause of the tranquillity of Ireland lay in her expectation that something would be done for her: and he trusted, that, at a fit and convenient season, she would find that she had not waited patiently in vain (hear, hear). If Ireland did look in vain to us for justice, in the proper season, we should soon again look in vain to her for tranquillity; for of this the house might rest assured, that the tranquillity of Ireland was founded upon hope. He believed that the tranquillity of Ireland was mainly attributable to the measures of the Catholic Association; and he did still believe, as well as hope, that so long as the Catholic body continued firm and united among themselves, it was impossible that, in proper time and season, they should fail of attaining the object which they sought, and which was their due.—He had listened with pleasure to that portion of the Address which referred to South America. It was matter of pride and pleasure to reflect on the glory achieved by the inhabitants of those Republics—men who, unaided, had the good fortune to succeed in establishing their independence, and freeing themselves, at once and for ever, from the detestable yoke which had so long and so ignominiously galled them (hear, hear). Those States were now at peace, their independence was recognized, and we were on friendly terms with them; that those friendly relations might remain unbroken—and that we should soon have united to us, by treaties similar to that with Colombia, all the other great Republics in that part of the new world, who had achieved their liberties, was his most sincere and ardent wish, as their independence must afford matter of pure and sincere delight to every friend of freedom (hear, hear). There was another point, while he was upon the subject of South America, to which he thought it necessary to allude—namely, the treaty pending between this country and the empire of Brazil. He was glad to hear that this treaty was not ratified; and most devoutly hoped that it never would be, for if there were no other reason against it, it contained one clause to which it was impossible in terms too decided to object. By this treaty, the contracting parties bound themselves to give up to each other, not merely felons, as persons guilty of coining, fraudulent bankruptcy, or murder, but also, what was a widely different and a new stipulation, to shelter no persons accused of high treason. Now this undertaking would not only compel us to retain upon our statute-book, the alien law, which of all the laws which appeared upon it was one of the most dangerous and offensive, but it might also bind us to execute it against an individual who should be accused of the slightest political offence, or who might only be politically obnoxious. For it would not lie with us to decide what did or did not constitute treason; and we might be made the instruments of aiding in, or inflicting, punishment for that offence, although the charge should be as capricious, or as morally groundless, as some of those set up by our own Harry the Eighth.—Much had been said upon the proceedings of the Bank of England during the late agitations in the various classes of property in the country. Without wishing to throw blame upon the conduct of that body, he could not help expressing his conviction that an end must come to that system which excited so powerful an influence at present, not only on the money market, but on the

whole trade of the country. Some change must be effected, or at any rate attempted, by which the interests of the whole empire, together with the fortunes and welfare of every family in it, should be drawn from under the absolute control and direction of four and twenty men: be they bankers, or be they merchants, whether they were to be looked up to as a political corporation, or a powerful commercial company, it was too much to trust the whole property of the country to the absolute good-will or caprice of a few men, left in the exercise of a power which was constantly changing all the relations of that property—sometimes increasing their issues and raising its value; then as suddenly contracting them and leaving commercial transactions in a state of corresponding embarrassment—now restricting their discounts, and now enlarging them—again restricting their issues, and raising the rate of interest—and again suddenly enlarging their issues, and lowering the rate of interest. Just such as they had lately witnessed were the fearful consequences of that system upon all the property of the country—such were the confusion and disorder which must continually prevail in all its concerns, so long as the influence of that system was allowed to prevail. No men could be safely trusted with that power. Had they the greatest stretch of wisdom, the sharpest foresight, the gift of prophecy itself, it would be utterly impossible to trust them with the exercise of it without adequate check and control. Check and control there could be none, unless through the establishment of other companies like their own. The competition of the money-market, could alone give the public proper security against the recurrence of the evil, by enabling other companies to rise up and restrain the undue influence of their monopoly by the danger of seeing their rivals rise above them. It might easily be gathered from certain passages in the Speech, that it was in the contemplation of Government to submit some decisive propositions upon that subject to the house. It was not his intention now to go into any discussion of it; he only wished to state his opinion upon the principle which would be then brought into question.

Mr. Robertson considered the present embarrassments in the several interests as so many unavoidable consequences of that policy which had directed the public counsels, and which was now of ten years' duration. Should the Government persevere in it, the existing calamities would be no more than a gradual approach to the crisis—they had gone but a step only in the ways of adversity, unless they recurred to a different line of policy. The house was bound to step in and rescue the manufacturing and landed interests from ruin. The present difficulties would pass away; but greater remained behind, unless an end were brought to that speculative and gambling scheme of commerce which had produced it. Before he went into the subject, he would take leave to read a passage out of an excellent pamphlet, the last edition of which was published in 1819, though the work itself appeared in print full 15 years ago. It was written by the *rt. hon.* President of the Board of Trade. From this pamphlet he drew the following proposition—that the excess of the exports over the imports of a country is no necessary proof of the prosperity of that country. It was only an indication that such a portion of the wealth of the country might be spared; it amounted, in the first instance, to no more than a proof of the capacity of the country

to endure that expenditure and absence of surplus capital. It did not follow, according to the author, that that exported wealth or expenditure must be beneficial to the country; on the contrary, he was prepared to prove that it was absolutely pernicious; that in the case of this country it was the direct cause of all the distress which had prevailed. He admitted that this view of the subject had not, to the best of his knowledge, been taken before in parliament, and, as it was new to the house, he hoped for their attention while explaining it. He took the excess of the exports over the imports, since the peace, at 189,000,000*l.*, for which no return had been made to this country to compensate the loss endured. And yet this was but a gradual advance to what must be expected from perseverance in the same system. At the close of the war, and in the first year of the peace, the excess of exports above imports was only 13,000,000*l.*; last year it was 24,000,000*l.* Could any country live and thrive under this annual expenditure? When Mr. Pitt governed the country the state of things was something like this:—From the American peace to the French war, the excess of exports was about 600,000*l.* a year. This expenditure was readily accounted for by the pay of ambassadors, and other functionaries, together with the expense of establishments abroad; so that it would be readily shown that not a single pound sterling left the country, for which another pound did not come in. From 1797 to 1805, the excess of expenditure amounted altogether to about five millions and a half. In the continuation of the war, this expenditure continued to increase, but in a proportion which might at once be accounted for by the expense of extensive fleets, and garrisons abroad. The expenses of our armies in the Spanish war alone would account for more than ten millions of the excess. At the peace, and ever since, the system had changed to an excess of this expenditure, which was continually increasing without bringing back to the country any adequate returns—until it had reached the sum of 189,000,000*l.* He would now show how this excess of 24,000,000*l.* of foreign expenditure worked among the various classes and interests of the country—how it injured them from the lowest to the highest. There being clearly that surplus of capital, its natural employment would be the application of it to the wages of labour among the increasing population of the country: for if the capital left the country in larger proportions than before, and the population continued to increase, the supply of labour must soon far exceed the employment given by the capital remaining—the labourers must be depressed, and the country impoverished. On this account, he could not but deplore that pernicious and pestilent doctrine which had obtained, that capital from England spent on the Continent, or capital from Ireland spent on the Continent or in England, was equally useful as the same capital spent in Ireland or in England. True it was that such excess of expenditure abroad might have the appearance of prosperity; but it was only a speculative prosperity, big with national impoverishment. The house might ask how the surplus wealth was to be kept in the country? The question was not difficult to answer. Give such capital protection, and then it will stay at home; and it will create a real prosperity, by bettering the wages of labour, and increasing the productive powers of

the national industry. An absolutely free trade would let in foreign commodities. What would be the effect? The home manufacturers must be pressed down by competition; and capital, instead of being employed in compensating our own labourers, would be drawn in greater and greater quantities abroad, to bring in the supplies of foreign industry. He considered the doctrine of absolute free trade, as applied to this country, as the most vicious principle which had ever been adopted by thinking men. He begged pardon of the house for thus addressing them; but his feelings upon the subject were strong, and he could not repress them; so grievous were the results which he anticipated from the adoption of that principle. He supposed that the argument urged by Government in support of that system, was the usefulness of competition in restraining monopoly. Nothing could be so absurd. Competition with other countries was utterly impossible—circumstances were not the same; and unless circumstances were exactly equal, what competition could there be? No man could foresee the circumstances which might throw the advantage of foreign competition into the hands of France, and, once lost, it could never be recovered. He would now advert to a transaction which was utterly at variance with the principles of free trade, so loudly promulgated, and which appeared to him to be one of the vilest amongst all the schemes with which the country had overflowed. Since the house had last met, a charter had been granted by the Crown, similar to that upon which the monopoly of the East India Company was originally founded; by which charter a new company had been authorised to vest a million of money in an exclusive scheme for the growth of silk in Great Britain and Ireland. The capital embarked, as he said before, was a million. Here was a million of money to be applied—a sum more than sufficient for three times the trade which this country would ever have to carry on in the growth and throwing of silk. The natural effect must be, that the company would ruin all minor competition, and then raise their prices, to the inevitable injury, perhaps the destruction, of our silk manufactures. It grieved him to be obliged to give out the names of peers and hon. gentlemen who were implicated; but he could not, in a case like this, refrain from doing his duty. The President, according to the prospectus, was the Marquis of Lansdowne; vice-president, the Earl of Liverpool. What would Mr. Pitt say, did he but know that his great disciple was to be found in such a list? Among the directors were, the Right Hon. W. Huskisson; Henry Brougham, Esq.; Wilmot Horton, Esq.; Pascoe Grenfell, Esq. How different were the sentiments of the right hon. gent. (Mr. Huskisson) when commenting in his pamphlet upon a similar project adopted by the French government, to force the cultivation of cotton. "Such is the barbarous ignorance and detestable policy which sways some of the powers of Europe, that we are boastingly told of whole districts of otherwise fertile territory being forcibly destined to a particular cultivation, and of the French government raising, at a ruinous expense, a little bad cotton." How soon the rt. hon. gent. forgot his own principle in favour of a similar cultivation of a little bad silk!—while the produce of India was secured to the country on terms which made competition utterly impossible. Such was the incon-

sistency of the advocates of free trade, and of the government which had adopted their principles. He disagreed with that part of the Speech which stated the pecuniary difficulties of the country to be without any remedy. The remedy was within the reach of the house. The remedy was to keep capital at home, to encourage productive industry, raise the demand for labour, and increase the internal trade of the country. Foreign trade was a thing utterly insignificant in amount and importance when compared with this. He had no interested motive in the view of the question which he had taken. Every word he uttered was opposed to his own particular interests as a foreign merchant. He was sure to be benefited by free trade. But when the landed and manufacturing interests were depressed by that freedom of trade, it must be injurious to the country at large, and an evil sign it was of the general policy of the country wherever the agricultural and manufacturing interests were seen to decay. Differing as he did so far from the Speech, he exhorted the house to relieve the country from evils which it was so fully in their power to remedy.

The *Chancellor of the Exchequer* confessed that he did not clearly comprehend the speech of his hon. friend (Mr. Robertson), which seemed, however, to contain some propositions of rather a startling nature; for if he understood him rightly, his argument was, that the greater part of the distresses of the country was to be attributed to the excess of its exports,—and then again, his greatest dread seemed to be the excess of its imports. How to reconcile such seeming contradictions, he must leave to the ingenious and speculative mind of his hon. friend. As to the facts produced, and the crimes alleged against the Government, he felt at first astounded,—he could not conceive what he himself, or his rt. hon. friend had been about, to deserve that denunciation, and he trembled at the consequences which were to follow. But lo! some distinguished persons had lent their names to a speculation the most innocent which had ever been set on foot. He himself was not a member of the association; but what harm could there be in it? The growth of silk in this country was a desirable object if it could be accomplished, and in no degree similar to the monopoly of the East India Company. His rt. hon. friend had suffered his name to be inserted in the list of directors, not for the purposes of profit, but as an honorary title; and then the hon. member (Mr. Robertson), taunting him with an alleged inconsistency in the principles of free trade which he had so successfully advocated, referred to some passage in a very able pamphlet written during the bullion controversy, which pointed out the absurdity of the French government endeavouring to force the cultivation of very indifferent coffee, and to manufacture beet-root into sugar. But this silk company did not propose to force either the growth or importation of silk. There was not a sentence in their charter to compel the hon. gent. to grow a single mulberry on his estate. In what respect did an association for the voluntary cultivation of silk resemble a restrictive monopoly, or a compulsory appropriation of good corn lands to the production of coffee and sugar? But Buonaparte was absurd enough to pass a law, compelling his subjects to resort to miserable, futile, and ill-contrived attempts to produce the articles, which his own measures prevented him from

obtaining in the more natural way. Thus far he had remarked, in reply to the hon. gent.'s speech; but he would take this opportunity of explaining, in a general way, the views of his Majesty's Government respecting the more important parts of the Speech. And here he would say, that the learned gent. (Mr. Brougham)—with whatever candour he had commented on some parts of the Speech,—might have forbore from making one or two observations which had escaped from him. Undoubtedly the matters on which the learned gent. had touched, were calculated to excite the strongest feelings of the country, in the distress which now prevailed; and he owed his thanks to the learned gent. for the moderate and candid way in which he had explained his opinions upon many of these points. He was not, however, quite justified in one of the comments which he had made, imputing to ministers a charge of treating too lightly the distresses which so unfortunately prevailed. This imputation might have been spared, for he could solemnly assure the house, that nothing was farther from the feelings or intentions of his Majesty's advisers, when they suggested the insertion of that paragraph in the King's speech, than to treat the subject lightly. Indeed, he knew not what materials men could be made of, if they could have so treated the sufferings of a large portion of their fellow-countrymen with levity, and sported with afflictions which they must lament, if they could not save (hear, hear). He should have thought that the best proof of a contrary sentiment pervading the breasts of ministers, was to be found in the fact of their placing that topic in the very front of the Royal Speech; thereby showing the country how strongly the King and his Government felt the necessity,—nay, the imperative duty, of calling the immediate attention of Parliament to the consideration of so painful a subject, if not to avert or mitigate its present evils, at least to prevent its recurrence, so far as human wisdom could be said to have the means of preventing, which to a certain degree it undoubtedly had, the repetition of such disasters (hear, hear). When he talked, however, of such a precaution, it was in vain for any man who had observed the progress of late events, to deny, that, looking at the cause of the late shock in the pecuniary transactions of the country, and the event, when the bursting of the bubble displayed and dispelled the delusion, there were no legislative precautions that could have averted the mischief. It was impossible for public enactments to control the speculations of individuals in so great a commercial country as this, when such temptations were held out for enterprise,—when so much skill and industry, and, he would add, honesty, were displayed in the conduct and extension of mercantile affairs. It was impossible to apply laws, as some people heedlessly imagined, to govern the speculations of individuals, without doing far more mischief than good, by an attempt so inconsistent with the habits and practical details of business. There was, however, no ground for despondency, notwithstanding the present condition of the country. If they referred to the distresses which prevailed in 1816, they would see how soon the country arose out of them in the following year; the extreme pressure in the one year was followed in the other by a rapid re-action of a contrary kind; and this occurred without laws, or violence of any kind, from the very



nature of the thing itself. It was, he thought, clear to any reflecting and intelligent person, that the great proportion of all the public difficulties had arisen from causes out of human control; and he was satisfied that the man who would legislate on a different assumption, would find himself miserably disappointed when he beheld the effect of his interference in the concerns of private management. When he said this, he begged it at the same time to be understood, that undoubtedly there were cases in which it was competent for Parliament to interpose, and where it was necessary and useful to call for that interposition. Amongst these cases was that of a currency, so mixed as that the part of it consisting of paper greatly exceeded the amount of specie. Under such circumstances, it was clear that the tendency of the paper portion of the circulating medium was to increase, and that without reference to consequences, and when the state of commerce did not necessarily require that increase. This was precisely what had happened in this country, more particularly with regard to the circulation of the country banks, the increase of which within the last three or four years had been of a most extraordinary description. Of the actual state of the circulation of the country banks it was difficult to form an accurate estimate; and this difficulty was in itself a great evil, because it left both the Bank of England and the Government in comparative ignorance upon a matter which it was essential for them to know. They had, however, the means of approximating to something like an estimate, by a reference to the amount of stamps issued within a given time to these banks. It was usually considered that the average circulation of country bank paper lasted about three years; and therefore, if he multiplied each year's issue of stamps by three, he arrived at a probable test, for the purpose of his argument. Judging in this manner, he found that in 1820 the issue of the country banks had been three millions and a half; in 1821, it was four millions and a half; and, in 1825, it had arisen to no less a sum than eight millions and a half. During this progressive operation of the country banks, there was no excess of circulation apprehended, and the affairs of the country were generally in a rapidly increasing state of prosperity. But, the inevitable result of this operation must be to produce a rise in prices, which naturally extended a spirit of speculation, where men struggled who should get most money for articles in demand. But this was not all the evil which this system of circulation produced; a great deal of difficulty arose from the one pound notes, and notes of small denomination, which, from the smallness of their amount, circulated among the poorer classes, upon whom they entailed the heaviest affliction when the time of revulsion or stoppage arrived. When one of these banks broke, thousands of poor people lost their all, and were visited with the most heart-rending affliction. A great deal was said of the benefit to trade, from the circulation of these banks; but he would boldly ask, what advantage had been conferred on agriculture, what advantage on commerce, what benefit, in fact, upon the community at large, allowing the summing up of all its alleged advantages, which could at all be compared to the ruin of its reaction at a moment of panic, and the widespread evils which its sudden depreciation inflicted (hear, hear)? What real or ap-

parent benefit (and it was more apparent than real), could compensate for the poverty and misery to which it thus ultimately consigned so large a portion of the honest working classes of the community, who possessed nothing for their labour or their sustenance besides the worthless piece of paper bearing the impress of the local bank? Who, with a heart to feel, could refrain from saying that these evils did not far, very far outweigh all the reported and exaggerated advantages of the circulation of this mass of country paper? Upon the fullest consideration which he had been able to give to the matter, he came to the conclusion, that it was indispensably necessary to apply an immediate and effectual remedy to that great source of public mischief (hear, hear). And it was to him a source of regret, that in the arrangements respecting the currency in 1822, the original intention of putting an end to the indulgence in 1825 had been abandoned; but what had passed since had more fully confirmed him in the opinion that they must now have recourse to a firm and decided measure, for the purpose of placing the currency and credit of the country upon a solid and durable basis (hear, hear). This still would not have the effect of preventing a recurrence of the evil, without another measure, which was at least equally important,—he alluded to the exclusive privileges of the Bank of England, as their charter now stood. It was impossible for any man who considered the extent of the public transactions of this great kingdom, not to see that a single chartered banking company, however well constituted, was inadequate to execute all the functions of banker for the state. The town business—that immediately on the spot—they could conduct, undoubtedly, in the present manner; but not so throughout the country. That the Bank of England was at the outset perfectly sufficient for all purposes, he readily admitted; but the immense growth of the wants of the country for banking aid had become since so extended, that a change to meet this varied aspect was unavoidably brought about. Country banks had become necessary, in consequence of the exclusive privileges of the Bank of England and the growing wants of the public. And from these very circumstances the country banks had been so constituted, that they were deprived of much of the solidity of what ought to belong to a banking system; and, in fact, the effect of the exclusive privileges had been, to foster every species of country banks, save those of the most solid and durably beneficial character (hear, hear). This state of things at length required a better remedy than it had hitherto received. Indeed, for some time, it had attracted the attentive consideration of Government. Two years back they had commenced a negotiation with the Bank, with a view of inducing that company to forego a part of their privileges. Their charter would expire in 1833, and the Bank offered to relinquish some of its privileges, provided the charter were extended to 1843. They agreed to allow other chartered companies, within the present prohibited distance, at once, provided the extension of the charter was conceded. This, however, the Government refused to call upon Parliament to grant, but rather pressed upon the Bank the greater advantage which the company would obtain in the administration of their own affairs, by the increased safety and security which would generally result from the adoption of the



plan then under contemplation. The Government had lately again pressed this matter upon the consideration of the Bank, and submitted the benefit which both the company and the public would derive from its execution, accompanied, at the same time, with a direct and unequivocal statement, that there was no intention of extending the present period of their charter. The manner in which the Bank Directors had met this proposition deserved the highest credit. The Directors had acquiesced in the proposition made by ministers, which they intended immediately to submit to the consideration of a court of proprietors, whose co-operation was necessary for its completion. The plan, if carried into effect, would place the banking system of this country upon the same footing as in Ireland, where companies were allowed to establish banks, with any number of partners, fifty miles from the capital. The distance would be sixty-five miles in England; and, at that distance, it would be competent to establish banking companies with an unlimited number of partners. When he alluded to the reluctance of the Bank to abandon all at once rights which they felt were secured to them by charter, it was, he repeated, too much to complain of them for such hesitation. They were charged with the protection of particular interests; and though it was the purpose of the Government, in their communications with the Directors, to make out to them, by reason, that the rights they were charged to cherish would not be prejudiced by the concession required from their hands, still it was not to be wondered that men held tenaciously to the maintenance of exclusive enjoyments intrusted to their protection. Throughout his intercourse with the Bank of England, he had found the Directors uniformly manifest the most anxious and sincere desire to promote the general interests of the country (hear, hear). He might differ from them occasionally upon points of general policy, as well as on particular principles, by which they thought proper to regulate the conduct of their business; yet he felt he had no right to find fault with their mode of managing the affairs entrusted to their guidance; and sure he was, that none were to be found more ready than the Bank of England had been, to throw itself into the breach, when the country required a great saving effort; at the risk even of their own interests—at the risk, too, of their own security—they had often come forward, and saved the country, by their timely aid, from greater evils than any it now laboured under. With this experience of the value of the services performed by that great corporation, it would, indeed, be monstrous injustice not to treat with proper consideration the opinions of such a body. They had now, as he had before mentioned, agreed to relinquish that part of their exclusive privileges which restricted the number of partners in banking concerns, and had refrained from requiring the condition of a ten years' extension of their charter, which, on the former occasion, they had declared to be a *sine qua non* of this concession.—He had now stated, in general terms, the outline of his plan respecting the banking system, and this was not the convenient time for further explanation as to the details. On a very early day, however, he would submit a distinct proposition on the subject, when it could be fully discussed in all its parts. But he could not refrain, on the present occasion, from stating at once what were

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the general views of Government—what they felt to be the main causes of the existing difficulties of the country, and the measures which they thought best calculated to obviate their recurrence, or mitigate their injurious effects; not, indeed, in the shape of a nostrum or specific against disease, but as a means of escaping from similar evils, if they again occurred and bore heavily upon the community. There were only two other points within the sphere of his immediate department, on which he would at present touch. His Majesty's speech stated, that the revenue of last year had fully equalled his own expectations at the commencement of it. Those words were not only literally true, but rather below the mark; for it would be more accurate to have said, that the last year's revenue had more than exceeded the most sanguine expectations of the Treasury. He had himself assumed that the revenue of 1825 would be 500,000*l.* or 600,000*l.* less than that of 1824, and he had proposed a repeal of 650,000*l.* worth of taxes in the current year; so that his calculation would have held good, if the receipts at the end of the year 1825, as compared with those of 1824, shewed a diminution of 1,200,000*l.* In addition to that reduction from the source he had named, another important defalcation of revenue had arisen out of the alteration in the duties on wines, and the repayment or allowance of 1,050,000*l.* upon that account; so that if the latter cause had not existed, the revenue of 1825 would have exceeded by the same amount that of 1824. However, notwithstanding all these reductions, the revenue of 1825 shewed an excess above the preceding year of 200,000*l.* The terms, then, in which the subject was mentioned in the King's speech, conveyed at least no exaggeration (hear, hear). He thanked the learned gent. (Mr. Brougham) for the frank and uncompromising manner in which he spoke out, respecting commercial principles of great importance to the well-being of the country, and had asserted that if the Government remained true to the real interests of the community, and consistent with itself, it would not be diverted from that system of policy in matters of commerce which was founded and justified by the wisest principles. He entirely concurred with the learned gent. And though he and his colleagues in the Government were taunted by the hon. gent. (Mr. Robertson) with having lost the countenance of some of their oldest friends, and being cast for support upon their usual opponents on the other side of the house, still he should say that they were cheered by an honest and effective co-operation (cheers). Nor would the hon. member's taunt drive him to reject the assistance of hon. gents. opposite, who had the generosity and candour to give him their aid in this branch of his policy, and who could have no imaginable motive for taking such a part, save disinterested attachment to the true interests and welfare of their country (hear, hear). It was, then, with the highest satisfaction that he found the principal men of every party in politics ready to give him their support in this branch of the public policy. He knew that he carried with him, in his steadfast adherence to it, the concurring opinions of all the best-informed men in the country; and he would add, were he not himself one of its most zealous advocates, of all the wisest persons who took a part in public affairs (cheers).

Mr. Ellice did not intend to object to the plan

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of the *rt. hon. gent.* for establishing chartered banks similar to those in Scotland, but he would content himself with cautioning him that those very banks, if not kept within proper limits, would go on increasing the paper currency, and so add fresh difficulties to the present ones (hear, hear). It would not be amiss if the *rt. hon. gent.* would take a hint from the United States of America. At one time, almost every town of those States had its bank, in which every trader was, more or less, engaged in carrying on the system of discounting; the end of which was a scene of ruin such as had scarcely ever before been witnessed. Another disadvantage of this extension of the banking system, would be the introduction of paper where, as yet, there was none issued; and he therefore trusted that means would be adopted to regulate the issues of all banks. But the most serious omission on the part of the Government, appeared to him to be, that while they were forcing these and other measures on the people against their consent, they did not even so much as approach the question of the Corn Trade (hear, hear). How could the *rt. hon. gent.* reconcile it to himself to press upon the country measures that were generally deemed injurious, and to tell them at the same time, that the only trade to which he would not extend the freedom he proposed to all others, was the trade that embraced the principal means of life? It was said, that there must be a standard price for corn; and all that would be well and good, so long as there was likewise a standard price for silk (hear, hear). But if the one were to be elevated, and the other to be depressed, it would be impossible for the English workmen to compete with the foreign manufacturer. For supposing that in a piece of French silk worth 15s., the labour were 11s. and the material 4s., it was clear that, in order to put our workmen on an equal footing with the continental ones in their work, they must be on an equal footing with them in their means of living. He had said thus much, having had occasion to transmit several Memorials on the subject to the Board of Trade; and it certainly appeared strange, that the *rt. hon. gent.* could pass over such a question in the Speech, without seizing on the opportunity to press such an important subject on the attention of the house (hear, hear).

*Mr. Hume*, although he approved of many of the general principles of the speakers who had preceded him, must at the same time protest against the praise which had been so lavishly bestowed upon the Bank of England. As soon would he join in commending the activity of an incendiary for assisting in extinguishing the conflagration which he had himself caused, as in praising the Bank, to which he attributed the existence of so much of the public calamity. If that corporation had profited by their experience in 1797, they would not, as they had done, have allowed the foreign exchanges to have run for seven months against this country. As to the proposed chartered banking companies, he thought that they were not more necessary in the country than in London, where they were wanted as a check on the Bank of England.—The *rt. hon. gent.* had taken great credit to himself for the prescience with which he had predicted the state of the revenue, but he had taken care not to go back to that period when Government had been so lavish in their promises of reducing taxation. The great affliction of the country arose from

the enormous and unnecessary expense of the Government establishments. The whole amount of the military peace establishment of 1793 had not exceeded 4,500,000*l.*, and it now amounted to between 9,000,000*l.* and 10,000,000*l.* In 1793, 18,000,000*l.* was the whole amount drawn from the people, and 2,000,000*l.* in poor rates. In the year just past, the people paid 55,000,000*l.* in taxes, and 6,000,000*l.* or 7,000,000*l.* in poor rates. Thus, after ten years of peace, the hopes which had been held out to the country of a reduction of our immense taxation were frustrated. Was he, then, to blame, under these circumstances, if he accused his Majesty's ministers for advising such a Speech as that which they had heard from the throne? He did not wish to make comparisons, but if a comparison were to be made of the present Speech with the elaborate detail contained in the late address of the President of America to Congress, at its opening, our Speech would appear a farce. However, as perhaps *rt. hon. gents.* would not wish to have examples drawn from republics, he would mention one from a monarchical government—that of Bavaria, in which the sovereign told his people, at the meeting of the states, that he was anxious for their assistance in reducing the public expenditure to the lowest possible scale, consistent with the safety of the government. There was in the conduct of that sovereign an example well worthy of imitation. Instead, however, of a disposition to imitate examples of that kind, we were going back to the parade, frippery, and expenditure of the time of Louis XIV. Could that be called a happy state of the country in which our officers and drummers were strutting about covered with gold lace at the public expense, while our working population was depending for subsistence on the charity of the more wealthy parts of the community? Could we be said to be flourishing, while so large a portion of the public income was absorbed in half-pay and pensions; so that there was scarcely a respectable family in the kingdom who had not some one of its members depending on the public purse? It was, he would contend, a farce to talk of bank-suspensions and commercial failures as the cause of our distress, or to think of applying a remedy to those partial evils, while we left untouched the great evil of all—our enormous expenditure on such objects as he had mentioned. The *rt. hon. gent.* had not taken this view of the question. In his view of the case, that expenditure had nothing to do with our present embarrassments, and in this of course he was safe, for he had friends whose votes would back his statement; but he (*Mr. Hume*) was prepared to contend, that unless the many useless parts of that expenditure were cut down, it would be in vain to talk of a prosperous state of the country. He would undertake on some future occasion to prove, that in the last year of our struggle on the Continent, the year 1815, when the whole amount of the expenditure of this country was not less than seventy-two millions, it was not greater than that which we were this year called upon to pay, taking the difference of gold and paper at the two periods. It was said that our immense military establishments were rendered necessary by the extent of our colonies; but he denied that our colonies required such expensive establishments, if they were managed as they ought to be. Ireland, he supposed, was looked upon as a colony which called for a large establishment. But why should that be

necessary? Why not put Ireland in that condition in which she could support herself? The system pursued with respect to our foreign colonies was not less extravagant. The people of England, under the present system of management, were, year after year, called upon to pay large sums on account of most of our colonies, which were not repaid with any advantage to us. On the contrary, they heard of nothing from the colonies but continual complaints of mismanagement from January to December. Nor was the prospect any better in the East. Last year, the war in India was spoken of in the Speech as a necessary measure to check the insolent aggressions of the Burmese, and an expectation was held out that it would be brought to a speedy termination. Since then, however, what had been done? The East India Company were prosecuting the war without success, at a most enormous expense, and that expense, though it might at first sight appear to be that of the Company, was in fact a matter in which every man in the country was interested; for it was probable, that at some period the country would take the government of India into its own hands; and whenever she did, there was no doubt she would have to take the Company's debt along with it. It was, therefore, the business of that house to look with great jealousy at the continuance of any system, with respect to India, which might have the effect hereafter of adding a heavy load to the already enormous debt of the country. The Burmese war was still carried on; and we not only had not heard of victories, but we had scarcely any mention of engagements. The Burmese, instead of fighting, kept aloof, and left nothing for our troops but a country already rendered desolate. Instead of advancing to conquest, our troops were wasted in a climate far more deadly and destructive than Walcheren. This disastrous state of affairs was the consequence of having an incompetent man at the head of the Indian Government. He had heard it said that the present Governor-General had not the confidence of the Court of Directors: if so, he would ask what should induce his Majesty's ministers to continue him in that command? Ministers were responsible in this instance, and he hoped that the right hon. gent. at the head of the Board of Control would not allow the present discussion to close without giving the house some explanation on the subject (hear, hear).

Mr. T. Wilson said, that he was a friend to the general principle of free trade, but that he thought the silk-trade, under present circumstances, ought to be made an exception, or at least that the principle should not be extended to that branch, while the monopoly of the corn trade was allowed to exist at its present height. Unless ministers felt it their duty to revise their measures on this question, he should feel it necessary to call the particular attention of the house to the subject.

Mr. John Smith entirely concurred with the right hon. gent. in most of his observations on the injurious effects of the issue of small notes by private banks; but let him remind the right hon. gent. that the undefined manner in which he had alluded to the intention of allowing joint stock company banks, with a greater number of partners, and with of course a very large capital, might have an injurious effect on many banks within sixty-five miles of the city, unless he explained immediately the time when this proposition was to be carried into effect. With-

out such explanation, his proposition might create an alarm greater than the panic, the recurrence of which they were all anxious to prevent. Upon the general principle of the proposed measure he would not now enter, but he hoped that when the details of the plan came to be considered, we should not do what was done in Scotland, where the issue of the one pound notes had driven every sovereign out of the country (hear, hear). It was chiefly with the view of requesting this explanation from the rt. hon. gent. that he had risen, but he could not sit down without adverting to that part of the speech which alluded to the state of Ireland. The tranquillity of that part of the kingdom must be a source of gratification to every man who had the general prosperity of the empire at heart. With a view of furthering inquiry into the state of Ireland, he should suggest that the committee which had sat last session should be re-appointed. The labours of that committee had been invaluable. They had opened to Englishmen the nakedness of the land; they had contributed to give a just view of the real state of the country, and of course a nearer approach to a knowledge of the remedies by which the many evils which afflicted her could be removed. But though much had been done in this way, a great deal more remained to be done, and he trusted that the committee, which had shown itself so well qualified for the task, would be allowed to resume its labours, and to pursue those inquiries which were not yet half gone through.

Mr. Cripps admitted that there might have been some evils from the banking system; but they were the result of individual bad management. As a general system, he would contend that great good had arisen from the establishment of country banks. The accommodation which they were enabled to afford was of vast importance to the country, and he hoped that the system might not be altered without due consideration, as it might be productive of extensive injury. He would not say that money was not sometimes advanced without sufficient security; but if the banks were obliged greatly to contract their issues, the consequence might be extremely injurious. If some of the banks had a short time ago been ruined from an inability to convert their parchments into gold at twenty-four hours' warning, what might not be expected from such a sudden alteration of the system as that now proposed? He hoped, therefore, that if a new system of banks were established, it would not be allowed to affect those banks which had stood the recent shock, and which were still in existence, and that these latter would not be driven to take a course which should be so injurious to the country.

Mr. Maberly thought that great praise was due to the Bank of England for its energy and activity in endeavouring to diminish the effects of the late panic in the commercial world. It had on that occasion been greatly serviceable to the country, and the thanks to which it was entitled ought to be the greater, as it went on that occasion in opposition to some of its former principles. He would admit that the Bank was wrong in advancing to such an extent on mortgages as it had done (hear, hear). But let it not be said that the country had been brought into its recent state by the country banks only. The conduct of his Majesty's ministers had contributed in no slight degree to produce the effects they had witnessed, by the extravagant



issue of their promissory notes, or Exchequer bills, which they had allowed to go forth to the amount of thirty millions. This was a most improvident course, and he was convinced that if the Bank had not taken up a large quantity of those bills, the dividends of October or January last could not have been paid. Great credit was due to the Bank on this account, which had thus relieved the country from some of the consequences of the error into which Government had fallen. Evils had arisen, and must arise, from the extensive issue of Exchequer-bills which Government had made, and he had no doubt that if the hon. Bank Director (Mr. Pearce) opposite were to speak out and declare his sentiments on this occasion, he would inform the house as to the evil effects of those over-issues.

Mr. Pearce said that the advances which the Bank had made upon stock, and also those which it had made upon mortgages, had been made with a view of alleviating the embarrassments of the commercial and the agricultural interests, and not with any view of beating down the rate of interest. The Bank had acted with the utmost prudence and consideration in the whole of the late tremendous convulsions, and he thought that the house would agree with him, that the public had never been brought into any difficulties by its proceedings, or when it had got into difficulty by other means, had never been unassisted by the Bank with the means of getting out of it. He had been connected with the Bank for the last 40 years—a period as eventful as any that had ever been known in the annals of the world, and he would now solemnly say, with all that experience before him, that he never saw the Directors influenced by unworthy motives. In all questions that came before them, they considered the interest of the country as that which was paramount to all others, being well aware, that when that interest was secured, their own profits would follow as a matter of course.

Mr. Canning:—Though he had not expected any difference of opinion would have been excited by the speech of his rt. hon. friend, still, as some strange misconception had arisen upon several of the topics contained in it, he was anxious to state to the house the manner in which he had himself understood them. The hon. gent. (Mr. J. Smith) seemed to apprehend that his rt. hon. friend had a plan for erecting joint stock banking companies throughout the country, which would swallow up all the existing establishments. Now the plan of his rt. hon. friend went no farther than to take off, with the consent of the Bank, a few years sooner than it would necessarily expire, a prohibition of which the effect, by the concurrent opinion of all who had yet spoken upon the subject, was to make weakness, instead of strength, an inherent quality in the system of country banking. Let the house consider the state of things, as it stood at present. On the one hand the privilege of the Bank of England, which prevented the spreading of a wider basis for the transactions of country banks, would continue to exist till 1833, and on the other there was by law in the country banks, an unlimited power to issue small notes up to precisely the same period. His rt. hon. friend had two objects in view in the measure he proposed. The first was to accelerate the period at which the prohibition was to be removed, which, as he had before said, entailed weakness upon the country banks; and the second was, by limiting the issues of

those banks, to make the new power given to them operate with less suddenness upon the existing establishments. Whether the consequence of withdrawing the privilege of the Bank of England would be that new banks would be created all over the country, or that the established ones would widen their foundations by coalescing with new partners, he could not pretend to decide positively at present. The hon. gent. assumed that the latter consequence would take place, but, as it appeared to him, without sufficient reason. He could see no reason why, when the power of widening the basis of country banks was given, it should not operate to add a seventh, or an eighth, or even a tenth partner to the existing establishments, rather than to create new establishments all over the country, to rival and extinguish the old ones. As to the charge of his rt. hon. friend's pressing his measure unawares upon the country, he must say that nothing had fallen from him which indicated any such intention; and if his rt. hon. friend did not dwell much at large upon the details of his measure, it was that it had been so often before Parliament, or at least so long before the public, that it was only necessary to refer to it to bring it to the minds of all. But in point of fact, the evil (if it were one) which the hon. gent. complained of, was one that the Bank could create at present on any day in the week; for it could create branch banks in all parts of the country; and if there were a necessity for a more solid system of banking, the alteration was either that the Bank of England should establish branch banks throughout the country, or that power should be given to other parties to establish banks for themselves. Now, if the establishment of either were likely to be ruinous to the existing establishments, which he denied, that ruin was equally inevitable, whichever side of the alternative were taken, whether the Bank of England should establish such branch establishments, or whether advantage were taken of the Bank of England withdrawing its privilege for the purpose of allowing others to establish banks, taking in and absorbing the old banks, or coming into collision with them, if so it turned out, which he for one considered very unlikely. The country was in this situation, that one of these measures it must embrace—either it must permit the Bank of England to exercise its privilege of establishing branch banks all over the country—which would be equally fatal, if the competition of confidence and capital can be fatal, to the old establishments with the creation of new banking corporations,—or it must adopt the plan of his rt. hon. friend for taking advantage of the Bank of England's surrender of its privilege to establish new banks, on a wider basis, not so formidable as rivals as the Bank of England, nor possessing the same quality of repulsion to existing establishments;—or thirdly, the country must remain in its present situation, with its present insecure and insufficient system of banking. Between these three alternatives, if he might be permitted to use such a solecism, the house and the country had now to choose. As to the last of them, he believed that there would be no difference of opinion; the house seemed inclined to agree that that was not the measure to which it would resort. As to the other two, it was clear that the latter—he meant that of incorporating more than six partners into each establishment—would, even on the principles avowed by the hon. gent. himself, be the more



effectual for the purpose which it was intended to answer, would be established with the least shock, and would be well calculated to save the interest of existing establishments. It was impossible to discuss this subject without adding to the praises which had been bestowed on the Bank of England for its conduct in the administration of its affairs, that nothing became it more than the grace with which it had consented to strip itself of this part of its privileges. It was idle to say that the privilege was odious—it was idle to say that it was a monopoly: it might be both odious and a monopoly; still it was an inherent privilege of the establishment. By law they had it, and not even the omnipotence of Parliament could deprive them of it. It was an unfair view of human nature to treat such a sacrifice with levity. Such a rare occurrence as the voluntary abandonment of a possession, which if it were not a grace or ornament, was still valuable as a source of profit, deserved the highest panegyric. The Bank of England might have kept it in order to make a bargain with the public for some other consideration. The Bank of England might have kept it in order to prevent the rivalry of the country banks, which they might apprehend in those parts of England of which they had hitherto had the exclusive possession. They might have kept it without assigning any cause for so doing, except their own will; but they had yielded it up to the public for reasons which did them immortal honour. If they had yielded it unwillingly, their conduct was the more laudable; if willingly, still credit was due to them, because they had studied the public interest first, and had seen that their own individual profit was ultimately involved in it. They had consented, for reasons with which the house had nothing to do, to a measure to which they had formerly refused their consent, unblameably he had no doubt. They had now done that which they had long been solicited to do; and having done so, his right hon. friend meant to draw from it an advantage—not unkindly, not ungenerously, not in a spirit of triumph over the Bank. An hon. gent. who had spoken early in the debate (Mr. Robertson) had made, among a variety of remarks, one which he could not allow to remain unnoticed. He thought that ministers were extremely culpable for not discouraging the wild spirit of speculation which had contributed so much to the present crisis, and that they were wanting in their duty, because, when the various schemes of last year were discussed, they did not attend in their places to give a detailed opposition to every one of them. It appeared to him to be a convenient and seemingly rule that those whose duty it was to attend to the public business of the country, should abstain from taking an active part in the consideration of any measure which merely affected individual interests. He would say for himself that he had always endeavoured to act by that rule—that he had never given a vote on any private business since he had become a minister—and he believed that the same rule was followed by all his colleagues in administration. It appeared to him, that such was the safe and seemingly rule of conduct, because, if he could renounce it to his sense of duty to break through it in one instance, he might be induced to break through it in more; and a practice might thus grow up from which many suspicions might arise, unjust and unfounded as they would be at present, but still

impossible to be entirely avoided. But he would ask, had there been no warning given to the country on the part of ministers? Had there been no opportunity, during the fever which existed last year in the public mind, in which Government had declared that they would not advance a farthing to the aid of any difficulties which might ensue from excessive speculation? He might here, as to a matter of history, allude to what had occurred on a former occasion in another place. One of his Majesty's ministers (Lord Liverpool) speaking as the organ of the Treasury department, and in his capacity as a member of the Government, had taken an opportunity early in March last, not five weeks after the commencement of the session, and before a single bill had passed, to hold out to all who were engaged in those speculations, that they were running wildly into them—that it was the essence of a free government not to interpose any legislative let or hindrance to the current of individual enterprise and industry—that those who entered wildly into extravagant speculations, did so upon their own risk and responsibility—and that it was the fixed resolution of Government to extend no pecuniary assistance to the difficulties which were likely to arise out of them. As far as the voice of Government could be heard, it was heard through the country clearly and intelligibly, and the more clearly and intelligibly, because the declaration did not grow out of any measure in which the Government took a part, but was fastened accidentally on a measure with which it had nothing to do, and was not therefore made to be treasured up for such a crisis as had now occurred, but to prevent its occurrence. Unfortunately, that warning had been disregarded; the difficulties which had been anticipated had arisen; and it was a little too hard for the Government to be taunted now for a want of caution on that very topic on which it had spoken so explicitly. Ministers were aware that the present topic was one to which the minds of men were now intensely directed, and to which the consideration of Parliament must naturally be called on its assembling. There was no want of attention to that topic in the Speech from the Throne. If the house should measure it even by its proportion to the whole Speech they would find that it occupied the greater part of it, and that it threw every other topic into the shade—first, by its coming in the outset of the Speech, and then by its winding up the conclusion of it. He trusted that it would be thought that he had now gone far enough in his observations upon this subject; because, if he went further, he must be carried into a wide field of observation, into which he had neither the inclination nor the power to enter at that moment.—An hon. gent. (Mr. Hume,) who had addressed them on the third bench, had left untouched no topic which had been agitated either during the last war or the present peace. But as the hon. member would have an opportunity, which he had no doubt he would gladly embrace, of bringing all the subjects which he had that night mentioned, regularly under their notice in the course of the session, he hoped that the hon. member would not think him uncourteous if he passed them by at present without remark. The hon. member had told them that the Speech of last year was contrary to the truth, and that the Speech of this year was inconsistent with facts. What nice metaphysical distinction there might be between



"contrary to the truth," and "inconsistent with facts," he for one could not see. Perhaps the hon. member, as Lord Rector of a learned Scotch university, was gifted with acuter perception, and could enlighten the house upon this distinction without a difference (a laugh). There were, however, some propositions in the speech of the hon. member himself upon which he should venture to retort the hon. member's own expressions. The hon. member said that there had been no reduction of taxation since the war. This assertion he would venture to say was "contrary to the truth," as all the world, with the exception of the hon. gent., knew that there had been a reduction of taxes to the amount of 27,000,000*l.* The hon. member then proceeded to say, that although no reduction of taxation had taken place during the ten years since the war, the reductions during the last five years had been fewer than before; in other words, connecting his first statement with his second, the reductions had been fewer than none—an assertion which was "inconsistent with fact" (loud laughter). He took these assertions as fair specimens of the other topics mentioned in the hon. member's speech—topics, which he supposed were only mentioned as preludes to future debates, on which, when they should arise, he would endeavour to set the hon. member as right with regard to his argument, as he had now set him right with regard to his facts (hear, hear).—He had been asked by a learned gent. whether the treaty between this country and Brazil had been ratified? He agreed with the learned gent. as to the character of the stipulation to which reference had been particularly made. Nothing could be more objectionable, or more impossible for his Majesty's Government to adopt (hear, hear). There were likewise other stipulations in that treaty to which he should be equally unwilling to give his assent. The fact was, that the treaty had been negotiated without any instructions, and even contrary to the views which the English Government entertained upon those subjects. Yet though it had been negotiated without instructions, if it had been unexceptionable, it would have been ratified by this Government; but objectionable as it now was, he had no hesitation in saying that it never had been and never would be ratified (hear, hear). He had only another observation to make before he concluded, which was, that under the pressure now existing in the country, he did not think it advisable that the state of the corn laws should be brought under consideration during the present session (hear, hear).

Mr. Calcraft contended that the misery under which the commercial world was now labouring had not been entirely occasioned by excessive speculation and over-trading. The Government and the Bank, by contriving to beat down the rate of interest, had done far more mischief than the country banks, against which they had heard so much that night. With respect to country banks, it was mere matter of option whether a man took their notes or not. If he took them and did not like them, he might carry them back and compel the issuers to pay him in specie. What objection was there to this part of the system? Of the whole number of country banks, not one-tenth had stopped; and of those which had thus been compelled to suspend payment, many had paid, or would be enabled to pay, in full, all demands upon them. He would be the last man to allude unneces-

sarily to distresses which all must deplore; but when so much had been said respecting the failures of the banks, he might be permitted to remind the house that there had been other failures with which the country banks had no connexion, and which had involved more persons, and been the occasion of infinitely greater distress, than all the country banks put together. The system which the Bank of England had adopted, of lending money on mortgages, and on the security of stock, was the beginning of the distress. This indiscriminate lending was now all over, it was true; but still that was the beginning and the cause of the distress. When they found that owing to the state of the money market people could get money at so moderate a rate of interest, that the Bank could not make that profit by their notes to which they thought they were entitled, then it was that they placed themselves in competition with the other bankers who were lending money at a smaller discount. He did not wish to detract from the respect which was fairly due to the Bank of England, but he felt it his duty to animadvert thus freely upon what he took to be a principal cause of the existing distress; and he thought it not less incumbent upon him to do so, from the pain which he was sure the turn the debate had taken must inflict upon many very honourable and respectable persons who were concerned in country banks.

Mr. P. Grenfell felt it due to the Bank of England to say, that when the evil which had been alluded to was at its height, the Directors had come forward in the most liberal manner, and, to use the expression of the *rt. hon. gent.*, threw themselves into the breach, to avert, as far as they could, the threatened danger. Yet he could not but say that they had in some measure occasioned that danger, by the facility they had offered to speculation, by the great issues of their paper.

Mr. Baring said, that the Chancellor of the Exchequer, in omitting to state at what time he intended to carry the measure he had proposed into effect, had prevented the house from judging of its expediency. It would make a great difference whether it was intended to take effect within two years or six months from the present time; and as it must necessarily make a great impression on persons out of the house, whose interests it would affect, he thought it very advisable that the *rt. hon. gent.* should explain himself more fully on that head. He had no hesitation in attributing the present distress to the extent to which the circulation of paper money had been pushed, and for which the country banks, and, he was sorry to say, the Bank of England, were answerable. The Bank had been the authors of that dangerous redundancy of money which had given rise to the wild speculations abounding in every part of the country. The country banks had added to this redundancy in a much more mischievous manner. The Bank of England exercised some discretion in the quantity of paper-money which it put out; but the very business of a country bank was to put out all the paper it could, and this every gentleman acquainted with country banks well knew was their constant practice. On market-days they employed persons to go about, and not only to put out as much paper of their own as they could, but to withdraw from circulation all the paper of the Bank of England, and to substitute their own for it. By these means the country was saturated with paper-



money, which had been the parent of the existing distress. And all this had been done without the least reference to the effect which it must naturally have upon the rate of exchange, which, as persons best acquainted with the nature of such things well knew, should be the regulation for the issues of paper-money. It would ill become him to reflect with severity upon persons who had made adventurous speculations in commerce, because, if they were sins, he should perhaps have as much to answer for as any body; but little as he was disposed to look too strictly at such hazardous undertakings, he must say, that neither in this or in any other country, had enterprises so rash and ridiculous entered the minds of men, as many of those which had been produced in London during the last year. It seemed as if all Bedlam had broken loose on the Royal Exchange; the same frantic spirit overran the country, and extended itself, like an epidemic disease. He did not mean to say that this was not far beyond any such cause as the redundancy of money he had alluded to; but it was, nevertheless, true, that this fictitious surplus was the fuel by which the fire was fed. The greatest exertions were made by every body to get rid of their capital. The bankers in London, their agents in the country, and the customers of both, were actuated by the same universal desire to put out their money in whatever way they could. Then all on a sudden the very reverse of this system took place. In a moment, confidence was at an end, and every man said to his neighbour "pay me what thou owest." Men of undoubted wealth and real capital were seen walking about the streets of London, not knowing whether they should be able to meet their engagements for the next day. It was impossible that any thing could be more liberal or sensible than the conduct which the Bank of England displayed at this juncture; but the causes lay too deep to be removed by any thing that the Bank could do: their assistance might, and did in a great measure, relieve the distress; but they could not cure it. The over-issue by the country banks was the main cause by which the distress had been so widely spread; and as every body in the country was deeply concerned in the subject, he thought that the more this cause was investigated and explained, the more it would be likely to be remedied. If this crisis were allowed to pass without speaking the truth, it would be only laying the foundation for future evils. This feeling it was that induced him to say what he had said respecting the Bank of England, and while he bore testimony to the promptitude with which they did all in their power to alleviate the distress, he did not hesitate to censure them for the share which their conduct had had in producing it. With respect to the remedy which was to be now applied, there must be in the first place great caution in the manner of its application. If ministers should announce that they meant to contract the powers of country bankers, every man who had capital invested in those banks would draw it out, because he would not know how long he should be permitted to keep it on the same terms as at present. This made it also necessary that some further explanation should be given respecting the proposed measure. He did not mean to press for that explanation now, but he hoped that it would be afforded at some early opportunity. He had always considered the one-pound country bank

notes as a great nuisance, and the cause of frequent distress, which they were now as likely as ever to produce. He thought that before the rt. hon. gent. proceeded with the measure he contemplated, he must be furnished with the exact amount to which the issues of these 11. notes had arrived; and he would suggest that a bill should be passed, calling upon bankers to make returns of the amount of all their notes issued within the last three years. The reduction of these notes, necessary as it was, could not begin until the present state of excitement had passed over. It would rather be wise in the Parliament to afford to the country bankers every facility, as far as was prudent, in conducting their affairs. As a skilful surgeon, who was desirous of replacing a dislocated limb, would not apply his apparatus, however necessary that operation might be, until the fever had passed, so in the present state of things, however desirable it might be that the system of issuing one-pound notes by the country bankers should be restrained, this was not the time in which the operation could be safely performed. The amount of those issues might be taken, more or less correctly, at 18 millions: these, it would be remembered, must be replaced by gold. It would not do to go to the Bank of England for notes to replace this sum; but gold, and nothing but gold, could be substituted for it. He had heard frequent allusions made to the charter of the Bank of England, and to the terms on which it should be renewed when the time had arrived for its renewal. He was of opinion that it was for the real benefit of the country that the dignity of the Bank should at all events be kept up, investing it at the same time with only such power as might be thought safe, because unless this was done, it would be impossible, in the event of a war, to go on; and to make this assistance available the means of the Bank must be considerably enlarged. Praise had been claimed by Government for disavowing the intention of renewing the Bank Suspension Act. They could never either hasten or avoid that event—they might throw a cloak over it when it was about to fall, but they could do no more. Whoever might be the Chancellor of the Exchequer when that event should happen, must come down to the house with a long face, and, as the late Mr. Pitt did, say he was very sorry that the Bank had gone, but that the Government and the currency of the country could not stand still. He hoped that we should long continue to live in peace; but he was not the less convinced that it would be impossible to get through two campaigns in a time of war, without this being the result, unless the Bank system should be built upon a much broader basis. Upon this subject he wished to draw the attention of the house to the marked difference between the individuals with whom that institution had to deal at the time of its commencement, and those who at present stood in the same relation to it. At the period he alluded to, the Bank stood like a sovereign surrounded by little dependencies: now some of the persons who had dealings with it possessed capitals themselves to an amount which then had never been heard of as being possessed by one man. Another alteration which he believed must of necessity be adopted, was to make the circulating medium here, as in other countries, silver as well as gold. Without this, the Bank even might be put in danger. There was a great quantity of silver



sent to England from the Spanish colonies. This must now be sent over to France or Holland for the purpose of buying gold, which was then only an article of merchandise, subject to the same accidents as all other merchandise, sometimes to be obtained, and sometimes not, and which it was always in the power of speculators—nay, of one man—he need hardly name him (Mr. Rothschild)—to prevent from coming to this country at all, if it should suit their purpose to do so. Unless this measure should be adopted, he was convinced the currency of the country must be always in an insecure state, and the probability was, that great inconvenience and loss would at some time or other be the result. With regard to the proposed extinction of the present system of country banking, he could not but agree, that it was desirable, although he was not prepared to say that the country would experience any great relief from the new establishments which had been proposed to supply their place. Country gentlemen would not, after what they had seen and suffered, be such fools as to risk their fortune, and their families' fortune, in the new concerns: they had seen enough to grow wise upon the subject of sleeping partners in a country bank. He had himself seen instances in every department of trade, of the total ruin attending those speculations where a man embarks his capital without personal superintendence—without, in fact, having his eyes constantly upon what was going forward. In fact, a man as a sleeping partner, should, as some people are represented, sleep with his eyes open (a laugh). If they wanted to form banks in the great commercial towns, such as Manchester, Bristol, and York, which would be perfectly in possession of public confidence, it should be done either by the means of branch banks from the Bank of England—a plan which, however, from its interfering with the present provincial interests embarked in that business, might not prove very palatable to the country—or they should by an act of incorporation, allow a number of gentlemen to embark certain portions of their capital, say 10,000*l.*, in a joint banking company. That sum from ten men would be 100,000*l.*; an amount, in his opinion, quite adequate to support the respectability of the ordinary run of such concerns. There were very few men of capital who would not, he apprehended, be induced by the ordinary gains of such establishments to become one of a company of such a kind as he described, but no prudent man would or ought, after what had taken place in the last few months, risk his whole property in becoming a sleeping or acting partner in the ordinary mode. He was not prepared to say that a rule of that kind, exempting the property of the individuals composing a company, from all liability beyond their subscribed capital, would be equally proper for the ordinary purposes of trade; but for banks, it was his opinion, that under all the circumstances, it would be found both to confer an adequate respectability, and insure a sufficient confidence.—One word as to the silk trade: the *rt. hon. gent.* to-night had declared, that it was the firm determination of ministers to adhere to the principles which had regulated their conduct with regard to that trade; that declaration had been received with considerable cheering, and he was not one of those who at the present moment felt any disposition to find fault with its candour and firmness, because he thought, that if such were the deter-

mination of Government, the sooner it was known the better. But he was of opinion when that measure was first proposed, and he had seen nothing since to alter it, that we never could compete with the French in that branch of manufacture. Whether he should feel it necessary to oppose the continuance of the principle which had been adopted, he did not feel it necessary now to say, because, as those concerned in the silk trade, and most likely to suffer by these regulations, were very soon to bring the question before the house upon petition, there would be ample opportunity for discussion hereafter, although he must express a hope, that whatever question might arise upon it, would be, for the sake of all parties, early decided.—In alluding to that part of the speech which related to foreign affairs, he could not avoid expressing his admiration of the way in which the business of that department had been conducted. However slow the *rt. hon. Sec.* (Canning) might have been supposed in obeying the unanimous feeling of the country, with regard to the South American states, that very slowness had been an additional security to the country, and a means of arriving at the surest possible conclusion. In our present state, when the *rt. hon. gent.* (Mr. Huskisson) had been defeated in his views of reciprocal treaties with France and the continent, nothing could be more important to England, than the cultivation of connexions with the states of the New World; and nothing, he was convinced, could be more conducive to that end, or more likely to give these relations permanence, than the firm, honourable, and candid declarations of the *rt. hon. gent.* (Mr. Canning). What he wished particularly to call to the attention of the house was, the treaty mentioned in the Speech, as concluded between Brazil and Portugal, under the mediation of this country; that treaty he took to be objectionable, in so far as it was concluded between two contracting parties, separate at present, but likely at some period to become one; for although there was an Emperor in Brazil and a King in Portugal, still there was no provision against the son succeeding his father upon the throne of Portugal. It appeared to him, therefore, that we had mixed ourselves up with an uncertain contingency, with a something which might, after all, be rendered nugatory by this very succession (hear, hear).

*Mr. Huskisson:*—Although he had listened to the observations of the *hon. member* (Mr. Baring) with all the attention so justly due to his knowledge and experience, yet, as so many opportunities would occur for a better examination of the various topics touched upon in the course of his address, he would not go further than to reiterate the determination expressed by his *rt. hon. friend*, of not going into any details until the house was more fully in possession of the nature of the measures which it had been resolved at the present crisis to adopt. His *rt. hon. friend* would bring his propositions under their consideration at the earliest possible moment. The house would recollect that the plan adopted by the Bank Directors, at the suggestion of ministers, must be first submitted to the approbation of the proprietors, whose trustees the Directors were, and without whose sanction no measures could be resolved upon, strictly speaking, between Government and the Bank, so as to be submitted with proper authority to parliament. It was impossible, therefore, to



lay any proposals before the house until the Directors had obtained that favourable decision from the proprietors, which was anticipated by them and the Government. His *rt. hon. friend* had, however, stated very clearly that methods would be adopted, which he trusted would have the effect of preventing a recurrence of those disasters which had recently convulsed the commercial world, or, at all events, of obviating, in a great measure, the consequences of any similar panic. He fully agreed with his *hon. friend* (Mr. Baring) as to the necessity of caution in the prosecution of any plan which would interfere with long established interests, or which might have the effect of shaking the credit of those by whom a great portion of the present provincial currency was supplied. His *hon. friend* had very properly said, that it would be extremely improvident to withdraw so large a portion of the circulating medium at the present moment, particularly when it had been tried and purified by the recent ordeal; he agreed with the *hon. gent.* on that point, as on others, and the more so, that the quantity of that medium was much short of what had been represented. The *hon. gent.* said something about eighteen millions; now he knew that in the years 1821 and 1822, it did not amount to more than seven or eight millions, and after recent circumstances, when all prudent bankers, even of the greatest respectability, had thought fit to limit their circulation, he took it that it did not amount to much more than two-thirds of that amount, but even with that amount it was his *rt. hon. friend's* intention to deal with caution and care; indeed he proposed to allow those notes to wear themselves out, guarding, however, against the possibility of any fresh issues (*hear, hear*); a plan by which they would gradually disappear from circulation, without any sudden limitation of the current medium of the provincial towns. As to the period in which the change of the constitution of the banks was to take place, by permission of the Bank of England, he apprehended no difficulty from its happening in a very short time. He could see no well-founded alarm as to the interference with country banking interests in the project of allowing the establishments which had held good against the late pressure to add an additional number of partners to the existing firms; but, in order to guard against all possible ill consequences, it was proposed, in order to allow gentlemen to wind up their concerns, to receive and pay their debts, or, as it might happen in some cases, to make preparations for retiring altogether, to postpone the operation of the law for six months. He could not conclude without expressing, in common with others, his strong feeling upon the subject of the liberal conduct of the Bank of England, which, while it had, by its generous advances, and, he might say, its unsparing sacrifices, saved many banking establishments from imminent danger, had, at the same time, he would not shrink from asserting, perhaps saved itself (*hear, hear*).—One word on the subject of the silk company. Some time last year, a few persons, who thought that the cultivation of the mulberry-tree and the propagation of the silkworm might be successfully attempted in Ireland and the colonies, applied to a noble marquis, to the noble lord at the head of the Treasury, and to himself, for their approbation of the plan. He (Mr. Huskisson), thinking that they might make the attempt, and that, although it might be advantageous in Ire-

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land, which some gentlemen seemed most anxious about, yet that, in the colonies especially, if introduced in the place of that description of labour which was performed by the slaves, it would be a means of improving the condition of that unhappy race, as well as of forwarding the progress of their emancipation, recommended the granting them a charter, and advised them not to commit themselves by attempting too much at first. Upon the same principle, he afterwards accepted the office of honorary president. Now it happened by some mistake, he supposed of the secretary, that his noble friend (Lord Liverpool) and himself were both written to upon the subject of the number of shares they would like to have at their disposal (*a laugh*); and, as he had since learned, they both returned nearly the same answer—that they never anticipated any other connexion with the company, than the advice and assistance which they had already afforded it, from an idea of the benefit likely to accrue by a trial of the experiment; but that as to a participation in any proposed profits, they positively declined them. This was the whole history of the case, and while he begged pardon for troubling the house, he thought it necessary to say thus much to remove all misapprehension.

Sir *M. W. Ridley* approved of the principle of letting the notes wear out, but thought that a bill ought to be passed immediately to prevent the bankers from taking out and keeping a large quantity of stamps on hand, and thereby prolonging the time of their circulation. He was of opinion that much of the late mischief had arisen from the Bank not withdrawing the sums from circulation which had been vested in their one and two pound notes. When the country passed to a metallic currency, they advanced the sums which had been in circulation in small notes by way of mortgage, and thus added to the evil.

Mr. *Hudson Gurney* could not let the debate close without remarking, that the *rt. hon. gent.* and all those who had followed him, utterly blinked the main question, which was entirely a question of prices. He (Mr. Gurney) had always disliked the country bankers' circulation, and more particularly their one pound notes. He had always been convinced, that it was their bidding against each other in credits, which had reduced the banking business to the minimum of profits on the operations performed; and if the *rt. hon. gent.* could place the circulation of the country on a better footing, there was no class which would be so greatly benefited as the bankers themselves. But how the proposed changes could be carried into effect, and sovereigns at 3*l.* 17*s.* 10*d.* an ounce could be substituted for the present paper issues, was to him totally incomprehensible. The very endeavour to do it (for it never had been effected) occasioned all the pressure of 1821-2; and, under the existing mass of public and private engagements, if that substitution could be accomplished, it would occasion a greater and more general ruin than had ever been witnessed in this, or perhaps any other country.

Mr. *Denman* said, the Bank of England stood precisely in the same situation with regard to the country as any other bank. How far the Bank might limit its issues, or what remedies might be safely applied to avoid a recurrence of late evils, was matter of future deliberation; but he could not consistently with his duty to the country and his constituents, avoid protest-

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ing against the total omission of the subject of the Corn Laws in the Speech, or refrain from expressing his surprise, that while ministers so stoutly upheld the principles of free trade on every question, they should determine to continue the restrictions upon that. The distress in the manufacturing district with which he was connected, was very great; greater, he believed, than ministers were aware of. A man in full employment, a skilful man, could not, in many trades, earn more than 6s., 7s., or 8s. a week, and this was all he had for the maintenance of himself and family. And this was the time, and under these circumstances, that the produce of his labour was to be exposed to the competition of other people; and yet the Corn Laws were not to be repealed. The distress was not merely a fall from greater to less opulence—it was not a question of more or less, as the petitions on the table would hereafter shew; it was the distress of people who were absolutely perishing for want of bread, which they were unable to earn. The people too, the house must remember, who were in this condition, were acquiring more and correct knowledge; they were persons of good information, who could argue soundly, and whose statements of their sufferings were both eloquent and heart-rending. This question was one regarding their own salvation; and they would find themselves compelled by their dearest interests to examine the matter: they would discover the incongruity and cruelty of those measures which set the produce of their labour open to competition—which sent the produce of their taxed looms into the market in competition with the produce of people who were not so oppressed with taxation, while the trade in all the necessities of life was not set free. He, for one, was not willing to go back from the principles of free trade, which he had supported in that house; but the house ought to follow up these principles, and not make the most important of all commodities an exception to the rule. He was aware that ministers were surrounded with difficulties in the shape of friends, which would not allow them to act, in all cases, on the same salutary principles.—It seemed to him, that so much had been said of the Bank failures causing distress, as a sort of decoy, to lead the people from examining its true cause. He could hardly think, from the quantity of country bank notes in circulation, that they had been the cause of the distress. The one and two-pound notes, so long as there was no compulsion to take them, could not differ very much in value from the metallic currency. There might be some doubts, whether no compulsion had been used—whether no manœuvring had been employed, to keep the people in ignorance that the notes might be changed for gold; but as long as there was no compulsion, no manœuvring, he could not see why bank notes were not as valuable as gold. Neither did he see what difference the amount of the notes made—whether it was a ten pound or a one pound note, it was the same thing, though it might be more agreeable to have one ten pound note than ten one pound. If either paper or gold might be had at option, and the people preferred paper, he could see no valid reason for interfering with the banking system; though, if that interference went to protect, from loss, those who, by their situation, were least able to bear it, he might think it would be useful. There was one thing in the Speech which struck him almost with dismay. This

period of distress was particularly distinguished from every other period of distress, by there having been no great national calamity; there was no war, no injurious regulations, and therefore it was to be inferred that the Government had no share in producing the distress, and that it must be attributed to some other cause. Nothing could be more alarming in his mind, or more unfounded. Whether the fault were in any recent measure of Government, or in any measure of thirty years since—and he believed the fault was in measures taken thirty years ago;—still the fault was in the measures of Government; it resulted from some acts of man, and was not, as had been insinuated, a visitation of Providence. The fault was in some cursed acts of parliament; and it was by abolishing them, or some better enactments, that the fault was to be remedied. Much of it was to be attributed to that detestable measure, the Bank Restriction Act, and if it did not wholly cause, it augmented the evil. He highly approved of the measure in 1819, for doing away that act; but he could not go along with those who had abolished it in adding the three millions of taxes they had at the same time imposed on the people. He sighed over every guinea that had been thrown away—corruptly thrown away—in those seasons of fallacious prosperity, that were like the dreams of the man in the fable, and had no other existence but as they were shadowed out by paper representations. He could not help wishing that every guinea had been kept back from the Duke of Cumberland; he regretted that the grant had been made to the Judges, who did not need it; and he regretted particularly the 2,000,000*l.* which had been given to build new churches, when the people were wanting bread. It was the exorbitant taxes which pressed down this country, and every remedy for their distress was sheer quackery, which had not for its object to diminish the public expenditure, and lessen taxation. He hoped, therefore, that his hon. friend (Mr. Hume) would steadily persevere in those motions which he had brought forward year after year for reducing the public expenditure. The house must not content itself with brushing away some trifles of corruption; it must take a wider range, and be more unsparing of its reforms, in order to prevent greater mischief. While the poor suffered from a tax on corn—while the whole population of some populous districts were all paupers—the Government must take care, or that property, which was so much cherished, would be found not very secure. The Corn Laws were enacted for the benefit of the richer classes, by taxing the poor; and he hoped that the subject would not be allowed to rest, either by those who suffered from them, or by the Government.

Mr. Alderman Wood rose to say a few words in behalf of a large number of his constituents, who were suffering under great distress—he meant the silk-weavers. Government had been liberal in its subscription to these people, but the subscription did not amount to the produce of one week's labour. They had to manufacture an article, two-thirds of the value of which consisted in the labour bestowed on it, and they were to compete with the workmen of other countries, who were labouring under a less burden of taxation, and where corn was not above half its price here. He did not wish to see the old restrictions revived, but he wished to see the restrictions removed from the Corn trade,

and he knew that these people would not be afraid of any competition if the Corn Laws were repealed.

The motion for an Address was then agreed to, and some members appointed to prepare it.

FRIDAY, FEB. 3.—On the question for bringing up the report on the address,

Mr. W. Whitmore said that he regretted that the question of the corn-laws was not to be brought forward by ministers in the present session. He had much confidence in the sincerity and good intentions of Government; but, looking at that question as that which must form the ground-work of every thing like a system of free trade, he could not help fearing that some unfortunate influence was operating to postpone and avoid its discussion. So satisfied was he, that, without a proper settlement of the corn question, all attempts to establish a scheme of free trade must be ineffectual—that as ministers had professed they did not mean to bring it forward, he certainly should feel it his duty to bring it on himself. He was glad to hear the hon. gents. opposite declare, that the present distresses (which he trusted would be merely transitory) would make no difference in the views which they had acted upon during the last session. The stoppage in the silk trade, he believed, arose in a great degree from the apprehension of masters as to the effects of the new measures, which would be entirely removed when those measures came into operation.—For the change which was proposed to be made in the system of our currency, the course proposed by ministers, as far as it was developed, had his approbation.

Sir Charles Forbes reminded the house that with regard to the affairs of India, the observations of his hon. friend (Mr. Hume) on the preceding evening, were still unanswered. The state in which we were now placed in India was extremely critical, and he thought that there could be but one opinion upon the Burmese war—to wit, that it should be ended as speedily as possible. The war had now lasted two years; it had assumed the character of a war of extermination; and was no nearer to a conclusion, as far as he saw, than when it began. We might perhaps force our way, by the blood and valour of our soldiers, to the Burmese capital; but when we got there, we should find ourselves as far from a termination of the contest as ever. The Speech of last session speaking of the contest with the Burmese, had told the house that none of the other native powers were inimically disposed towards us; the Speech that was delivered from the throne this session did not venture to tell us so much now. He thought the administration of affairs in India injudicious and inefficient. The war was one which we had erred in undertaking, and in the prosecution of which we gained neither credit nor advantage.

Mr. Curzon said that the manufacturers of England were grossly mistaken, if they attributed any part of their distress to the operation of the corn laws. The present moment was not at all adapted to an impartial consideration of that question.

Mr. W. Wynn proceeded to defend both the principle and the conduct of the Burmese war. Was there any one who could deny, not merely that actual aggression had been committed by the Burmese, but that an evident disposition to aggression had for a long time been manifested? For the conduct of our troops, and the success

of our arms in India, who was there that could impeach either? If an enemy constantly flying before us, did not bear some testimony to the strength and valour of our troops, he did not know what hon. gents. would desire. For any unfriendly disposition among the native powers of India towards us, he denied its existence. It was true that our army, or a portion of it, in India, had suffered severely from sickness. This did not arise, however, from any peculiar unhealthiness in the climate in the country in which it had been engaged. By the last accounts, however, he was happy to say that the sickness, from whatever cause it had proceeded, was diminishing; and by the next, he hoped it would be lessened in a still more considerable degree. He had not the slightest doubt that the valour of our soldiers, and the ability of their directors, would still bring the contest with the Burmese to an honourable and fortunate conclusion. He should hear of such a termination, and a speedy one, with as much pleasure as any man; because, situated as we were in India, every war we had to engage in must be a subject of regret. But though this was his opinion as to the policy of avoiding war as long as it could safely be avoided, it was impossible for us to overlook repeated insults, or to shrink from entering into a contest, where it was obstinately and intentionally presented to us.

Mr. C. H. Hutchinson complained that the Speech contained no reference to the affairs of Ireland. They were given to understand by the Speech, and the explanations of ministers, that the exertions of his Majesty were unceasing to preserve peace throughout the world. He applauded that disposition: it was wise, it was humane. But then it would have gladdened him to hear of the unsparing exertions of the King and Government to do for Ireland that which was so anxiously attempted on behalf of all other nations. He had hoped, as an Irish member, to have heard of some attempts to secure peace and concord for his country. But he discovered no pledge in the Speech that any specific exertions would be so applied. It was true, that some indications of a favourable change were perceivable. That industry which was so justly vaunted in the Speech, was on the increase in Ireland; and he believed that there was a general tranquillity there at present, as well as increasing industry. But how were the people of Ireland to be secured in the enjoyment of their present tranquillity, unless they saw a ruling spirit in the cabinet ready at all times to exert itself for their relief? And how could they feel this, while on almost every page of the statute-book they could read the causes of their insecurity and degradation, while nothing was attempted to remove their oppressions? We were at present on good terms with France. We had no jealousy of her growing greatness, though she was moving forward in a splendid career. She was increasing in resources, her trade was prosperous, and her revenues abundant. We might not remain on terms so pacific as at present, and her resources might be powerfully turned against us, as they had been by her former master, Napoleon. Should that period ever arrive, this country ought to be in a situation which would render all her power available. But that could not be with respect to Ireland, unless means were applied to include her in the general system of amity and co-operation, which was the distinguishing character of the counsels of Government at



present adopted. Approving of much of the Speech, he thought it necessary to say thus much on behalf of Ireland, as there seemed to be little or nothing wanting to complete the arrangements of ministers, and to entitle them to the ready support and the cordial praise of all parties, but the extension of their own principles to the interests of that country (hear, hear).

Mr. Lockhart did not feel so much apprehension as had been expressed by many hon. members, at the late agitations in the commercial affairs of the country, because he considered occasional paroxysms of that nature as concomitant, and nearly inseparable from the enlarged and growing trade and resources of this great nation. He could not agree in attributing any of the distress which had prevailed to the Bank of England, though he was not prepared to oppose the measures which were likely to be proposed for opening the banking business. He considered it, however, very questionable whether the mere allowance by law to form banking establishments of more than the statutable number of partners, would be sufficient. As to improving the business of banking by enlarging the number in the firm, let it be observed, that though the existing law limited it to six persons, it was seldom found that a country banking establishment contained so many as the law allowed. He believed that the average would not exceed three to a firm in all the existing establishments. But suppose it otherwise, and that an alteration of the law should enable bankers to enlarge the numbers of their firms indefinitely, were they sure that persons of good property and respectable character would come in, and by placing their disposable funds in a banking stock, subject themselves to all the hazards of trade, and the probable visitation of the bankrupt laws? It was clear to him that they would not—at least they would not in any considerable proportion. But what if they would? Would that produce the security so much desired? What was there in a bare increase of numbers to assure the owners of deposits against insolvency? On the contrary, were not the mere chances of insolvency increased by the addition of every new partner to the concern, which must be answerable in its whole amount of property for every imprudent member who might happen to join the firm? The law contained a maxim—*testes ponderentur non numerentur*, which was equally applicable to bankers. It was not their wealth, nor their probity which could give the proper security. Had he to choose a person with whom to confide the management of his pecuniary affairs, he would not be guided merely by the integrity and property of the individual, but also by his firmness, by his acquaintance with the world, and by his accurate knowledge of mankind. Ask practical men about the causes of the late distress and agitation—question them as to the general nature of the cases of those banks which had failed—he would venture to say, that they would agree that the greater part of those cases were attributable, not to deficient property, or want of moral character in the parties, but to their want of firmness and skill, and of general knowledge of the world. The securities which were likely to be proposed would bring no relief to those cases. Lands could not be easily made available to the purposes of such securities. So exceedingly complex and difficult had the sys-

tem of conveyancing become—most unnecessarily so, he admitted,—so numerous and perplexing were the decisions in equity upon the subject, that it was next to impossible to make lands available to the security of debts, though contracted for the most just and proper purposes. Another objection to an increase of the number of partners as a ground of security was, that according to established experience it was likely to have a contrary effect, and to gather into a firm a number of specious and designing men, who would be mistaken for an opulent and respectable body, until their schemes of speculation should prove by their failure how utterly undeserving they had been of public credit. He approved of much that had been advanced on this subject by his hon. friend (Mr. Baring) who had pointed out to the house the defect of such supposed securities, and had directed the attention of the house to the practice in France. There, it appeared, that private individuals might invest limited sums of money in banks, without rendering themselves or their property liable for the debts of the firm, beyond the amount of those sums. In this practice the public had what had proved to have been a full and sufficient security, without extending in any alarming degree the responsibility of the firm to each obscure or unknown individual. This was a scheme which would be particularly inviting to gentlemen of property in this country, many of whom would have no objection to embark portions of their property thus far, though they would feel the utmost repugnance to subject themselves and all their family affairs to the researches of a commission of bankruptcy.—He approved of the resolution of ministers to persevere in establishing the principles of free trade, and had no other objections to urge to the measures about to be proposed but those which he had now expressed.

Sir T. Lethbridge thought that the Speech was highly satisfactory. The subject of the present difficulties was treated in a manly way: the remedies proposed promised to prevent them in future, by removing the tendency to a redundancy of money, and were entitled to their confidence.—He could by no means concur with his hon. friend (Mr. Whitmore), in condemning administration for their resolution not to agitate the subject of the corn laws in the present session. He thought that resolution entitled to the greatest praise. The question of the corn laws was the most difficult, intricate, important question which could be agitated in that house. It was clearly improper to bring it forward at a time when the attention of parliament was likely to be taken up with an important alteration in the currency. The question of the currency most naturally went first, and must be set at rest before they could undertake that of the corn laws. He believed that the public coincided in the views of ministers, and that there was no anxiety prevailing out of doors to have the subject agitated at all; much less was there any earnest desire to see the corn laws altered. He believed that a great change had taken place in the public sentiment upon the subject, and that they took a very different view of it now from that which had guided them heretofore. He was fortified in this opinion by recent and frequent intercourse with the silk-throwsters of the county which he had the honour to represent. He was rejoiced to discover from his communications with them, that the manufac-

lurers, though pressed of late with severe distress, took a completely different and more chaotic view of the subject of the corn laws. They now clearly apprehended the difficulty of treating that question, and he believed that they were by no means dissatisfied with the prices of agricultural produce. It would be his duty in a few days to urge their earnest application to the house, and especially to the President of the Board of Trade, that they would not persevere in enforcing the principles of free trade, to the imminent destruction and certain injury of that numerous class of manufacturers. For his own part, he had but faint hopes of succeeding, after what had fallen last evening from the Chancellor of the Exchequer, as to the resolution of Government to follow up those principles in the fullest practicable latitude. He, for one, confessed he doubted the propriety and wisdom of that resolution, though he admitted that the doctrine was upheld by persons of great rank and exalted abilities on both sides of the house. If the constitution were in its infancy—if other nations surrounding us were about to begin their career along with us, and those principles were admitted and adopted generally—if matters could be so arranged that the nations could all begin *de novo*, and start upon equal terms—then there could be no doubt as to the propriety of a free trade. But we were an ancient nation—our monarchy was one of the oldest in the world—our commercial system was closely connected with the frame-work of the civil government and constitution. He dreaded any formidable attempts at alteration, for fear that in touching the frame-work of society they might destroy the fences of the constitution. British manufactures would be subjected to great danger by a competition with the fabrics of France. He had been assured by a gentleman whose veracity he could not question, that at Lyons he was offered silks at 17 per cent. lower than the British price. He believed that the opinions of the people on the continent had already undergone considerable alteration. He believed that if the *rt. hon. gent.* (Mr. Huskisson) would state to the house what he had seen in the course of his late trip on the continent, he would furnish to the house the picture of a strange turn of mind which he must have observed in the breasts of the people there.—He highly approved of the resolution of ministers with respect to the currency. What was wanted was a security against fluctuations of price: it was not high prices which they ought to dread, so much as fluctuation. He did not mean to argue in favour of high prices: but they wanted steady prices, neither so high as to distress the manufacturers, nor so ruinously low as those of 1821 and 1822.—With regard to the idea of recalling the one and two pound notes, it appeared to him that such a step would be most inconvenient. If they were taken away, what did they mean to substitute in their stead? Their place, it might be said, would be supplied by gold and silver. This, however, would expose the people to as much, if not more, risk than they ran with the notes; for the state of the exchange might so alter, that in a very short time every coin would be conveyed abroad; and how were the people then to carry on their transactions? Of course it would be proper to give every possible security to the holders of small notes; but he was satisfied that it would be injurious to the community if they were altogether withdrawn from circulation.—He

would conclude by repeating, that the manner in which ministers had faced the difficulties of the present crisis did them great credit.

Mr. Hume was surprised at the course of argument pursued by the *hon. bart.* who had just sat down. The *hon. bart.* had contended that the corn laws should be considered as part of the currency question. By what process of reasoning that position could be made out, he was at a loss to guess. As well might he call the East India Company's monopoly of tea a part of the currency question. There was no connexion whatever between the subjects. The *hon. bart.* had stated that the sentiments of the great body of the manufacturers, were altered on the subject of the corn laws, and that they now regarded them in a favourable point of view. He (Mr. Hume) would not deny, since the *hon. bart.* had stated the fact, that there were some manufacturers in Somersetshire who would rather pay 1s. for the quarter loaf than 6d.; but this he would take upon him to say, without risk of contradiction, that the sentiments of these men were not in unison with those of the great body of manufacturers throughout the kingdom. And in the name of that large body—in the name of every class and description of persons in the country, the land-owners excepted—he begged to protest against such a misrepresentation of their opinions. The general feeling of the country was opposed to all kinds of monopolies—to the East India monopoly and the Bank monopoly, as well as to that of the landed interest—because it was now pretty well and generally understood that the payment of all those monopolies came out of the pockets of the people. He had opportunities of knowing the sentiments of the manufacturers as well, perhaps, as the *hon. bart.*; and he could take it on him to say, that they were not afraid of an extension of the principles of free trade, provided no reserve was made, and that those principles were applied to corn as well as to all other things. The silk trade, in particular, he could state, did not fear a competition with the manufacturers of France, if the corn trade were thrown open, except, perhaps, in a few fancy articles. But in the general run of plain goods they were willing, under the circumstances he had mentioned, to compete with their neighbours. He, therefore, for one, had no wish that ministers should recede from the principles that they had already avowed, with, however, a relaxation for a short time—a year or two—in favour of the fancy articles, until a better season might arrive. He believed that ministers were well inclined to carry their principles of free trade to every article—to corn as well as all others; but that they feared the influence which might be opposed to them on the corn trade, and from what had occurred in another place with respect to the Canada Corn bill, there was no doubt that influence was considerable. But, notwithstanding the existence of that influence, let ministers, if they thought right, as he believed they did on the subject, propose the measure, and do it with all their influence: it would, he little doubted, be carried in that house; and then, if it failed in another place, let the country see where the blame lay.—He now came to the observations of the *rt. hon. gent.* (Mr. Wynn), and contended that they had not answered his questions. He regretted extremely that the question involving the interest of millions of people should be considered an episode scarcely worth answering.



This indifference on so important a subject was the more to be lamented, as there was not a free press in India. That had been put down by the most arbitrary, and, as he would contend, illegal proceedings. It was no defence to say that the Governor had a power of acting according to what he judged best for the interests of the country. He had undoubtedly a great discretionary power, but he was not to use it in a manner inconsistent with the laws of England; and he was prepared to contend that the laws of England did not sanction such proceedings as those to which he had alluded. With respect to the Burmese war, the *rt. hon. gent.* had said, that he (*Mr. Hume*) was bound to prove the assertion that it had been wantonly commenced. The present was, he knew, not the proper time for entering into a discussion on that point; but he would at the proper time be prepared to contend, that there was not in all the papers which had been or could be produced on that subject, any one document which could show that the Burmese nation had shown a disposition to commence the war. It was true that a man, a subject of ours, had been murdered in their territory; but they admitted the fact, and said that as far as they could they would punish the murderer. "The man," said they, "by whom it was committed, is a bandit; if you can take him, we will hang him for you with the greatest pleasure" (a laugh). They could not do more, for they had not the means of reaching that individual; and he had no doubt, that had the Company had an efficient man at the head of their affairs, the war might have been avoided, and a great waste of the blood and treasure of the country prevented. But the inefficiency of the Governor-General was not denied even by the Court of Directors. It was publicly stated that he did not possess the confidence of that body, and yet he was maintained at the head of the Indian Government. The feeling on this subject was general. He could quote many documents which would put that fact beyond doubt, but he would refrain from it at the present moment. He could not, however, refrain from reading one extract from a letter which an hon. friend of his in that house had received from a highly respectable and intelligent military officer in Calcutta; and here let him observe, that the sentiments contained in this letter were the same as those of every letter which he had seen on this subject. They all concurred in representing Lord Amherst as an excellent man in his private character—how far that would be borne out by his attachment to private interests, and his abuse of patronage, would remain to be seen;—but as a public man, as a Governor-General, the general opinion was that he was altogether inefficient. The letter to which he alluded contained these words:—"There was never a more inefficient Governor. He is imbecile in the extreme." The *rt. hon. gent.* incurred a most serious responsibility on this subject, unless he could show that there was even one man in England who concurred with him in the fitness of the noble Governor for his present situation.

*Mr. Fremantle*, in allusion to the reports said to have reached England, on the state of our affairs on the Burmese frontier, could assure the house that every one of the public letters which had recently been received, held out the most confident hopes of a prosperous termination of hostilities. The *hon. gent.* (*Mr. Hume*) had said that the Court of Directors had no

confidence in the government of Lord Amherst. This statement, he must take leave to say, was altogether without foundation, and was disproved by the fact, that the Directors, if they wanted such confidence in their Governor-General, had, if they chose to exercise it, the power of recalling him; which, it was unnecessary to state, they had not done. As to the authority of letters from India, on which the *hon. member* seemed to place so much reliance, he would observe, that he also had seen many letters from that country, from persons equally intelligent and respectable as those to whom the *hon. member* had alluded, and they gave a very different account of the state of feeling in India from that which the *hon. gent.* had described. But he begged to ask, would it be satisfactory to the house or the country, or to any reasonable man, to have the character of a high public officer tried by extracts of reports in private letters? If there were any ground for accusing him in any part of his public conduct, let it be stated, and there would be no indisposition on the part of the house to inquire into it; but let not any man be tried on the reports of private letters.

*Sir C. Forbes*:—With respect to the melancholy affair at Barrackpore, it should be stated, in justice to Lord Amherst, that he was not in any degree implicated in that occurrence. He therefore hoped that, in justice to the noble lord, all papers relating to that transaction would be laid before the house.

*Mr. W. Wynn* could not see on what ground it should ever have been asserted that Lord Amherst was implicated in the affair of Barrackpore. He was in possession of a variety of documents on this subject, which would remove any such opinion, if it had ever been seriously entertained; but he did not think it necessary to lay these papers before the house, because he thought their production would not be attended with benefit to our interests in India. Equally unfounded were most of the reports of which they daily heard, as extracts from private letters from India. It seemed to him, that most of the writers of those letters filled them with idle gossip, as if they wished to ascertain how far the credulity of some of their friends in England would go.

*Mr. Hume* defended the authenticity of the information contained in the letters to which he had referred, and observed that many of them came from parties as respectable as any from whom the *rt. hon. gent.* received his accounts from India. As to the affair at Barrackpore, the conduct of Government was blameable, in neglecting to give any answer to the applications made to them on the part of the troops which had refused to march. He understood that a communication was made on their part full ten days before the melancholy affair in which the transaction ended, and that it was suffered to lie in the office without any answer being given to it. He understood that the then Adjutant-General was now in London, and the truth of the circumstance to which he alluded might be easily ascertained. Another ground on which he objected to the conduct of the Indian Government on that occasion, arose from the manner in which it had behaved towards the native officers of the refractory troops. It was admitted on all hands that they had remained faithful to their engagement to the Company, and refused to join their mutinous troops; yet, after this, and because they had not foreseen or



prevented what had happened, every one of them were dismissed the service, as no longer worthy of the confidence of the Company. Was this a just or reasonable course towards men who had acted with such fidelity, or was it any encouragement to officers who might be placed in similar situations? Again he asked, what was the conduct of Government towards the unfortunate men, 200 or 160, he could not exactly state the number, who had been convicted of mutiny? They were (many of them men of high caste) condemned to work in irons on the public roads. It was true this was a commutation of the punishment of death at first passed against them; but he believed there was not one of them who would not prefer being shot to dragging out an existence in that degraded situation. Was the conduct of the Indian Government approved here at home on this point? On the contrary, was it not a fact, that the moment the circumstance became known here, the Court of Directors, and the Board of Control, concurred in sending out orders for the immediate and unconditional discharge of the unfortunate men? Could that be said to be an approval of the Government? All he wished was correct information on this subject. If he should find, on examining the documents for which he asked, that he was in error on any of the points to which he referred, he should be most happy to retract what he had said.

Mr. *Fremantle* observed, that the hon. member was greatly misled, if he believed that no communication was made to the refractory troops for ten days before it was found necessary to resort to force. The very reverse was the fact: for from the time when they first objected to march, up to the period when the fatal termination of the affair occurred, communications were, he might say, hourly made to them from Government, and no pacific effort was left untried. An officer was made on the part of the general officer in command, to refer the case to a Court of Inquiry, and the troops were told to send those of their body in whom they could most confide, to attend that court, and to explain fully the nature of their complaints; and that, if found reasonable, they should be immediately redressed. This, however, though repeatedly pressed up to the last moment, was not attended to, and they refused to listen to any terms of accommodation.—He would now mention, as a farther illustration of the little reliance which could be placed on the reports so frequently circulated in private letters, that one account was communicated and published here, that such was the extent of disease among our troops on the Burmese frontier, that the 13th King's regiment could not muster one man fit for duty; whereas, from the returns from that regiment, they had at that very time 300 men doing daily duty.

The address was then agreed to.

#### IRELAND.

##### *General Improvements.*

LORDS, THURSDAY, FEB. 9.—The Marquis of *Lansdowne* inquired how far the suggestions for the improvement of Ireland, thrown out in the report of the committee of the house, laid before Parliament at the end of the last session, and referred to in a paragraph of his Majesty's speech, had been acted upon. A great many suggestions of importance had been thrown out on the subject of education and other matters

connected with the state of Ireland; and he supposed that Government had acted upon those suggestions as far as was found practicable.

The Earl of *Liverpool* professed himself ready to give every information in his power on the subject to which he had been referred. In doing this, he would take the report of the committee for the basis of his explanation, and would go over the points suggested one by one. The first suggestion related to an alteration of the law of landlord and tenant. The subject had been referred to the law-officers of the Crown, and a bill, he believed, was drawn up. What he had to say on the next point was not quite so satisfactory. The subject of grand jury presentment had been, and still was, under the anxious consideration of Government; but he could not say that it was in such a state that any measure upon it could soon be submitted to the consideration of Parliament. The next point was the criminal and civil business of the quarter sessions; on which it had been recommended and agreed to, that the assistant barristers should not act as counsellors. The next points were the constitution of civil and criminal courts, the process of *custodiam*, the summary regulations of sheriffs and substitute sheriffs. Upon these a report would hereafter be made. On the subject of the administration of justice by magistrates in corporate towns, a bill was prepared. The next subject related to fictitious forty-shilling freeholders; but on this he was not prepared to say that any measure was in progress for the consideration of Parliament. Among other points suggested were the extension of public works, additional measures for lunatics, and regulations of manor courts; with regard to which latter, nothing particular had been done. But the two most important suggestions related to tithes and education. Upon the first of these topics, he could assert that the measure which had been adopted by Parliament had been most successful; so successful as to exceed the expectations of himself, the original proposer. Returns on the operation of the act had been received from all the dioceses of Ireland, with the exception of two. From these returns, it appeared that the act had been carried into execution, with success, in at least one-fourth of the parishes in Ireland. But these returns did not afford evidence of all the advantages which were derived from the measure. The agreements which were made in other parishes, in consequence of the act, and which rendered its operations unnecessary, were to be reckoned among its most beneficial effects. The operation of the act had been found most beneficial in the south and west of Ireland; and in the important county of Cork, the business of the assistant barristers had been reduced one half in consequence of the absence of tithe causes. With regard to education, that was a subject on which he entertained fully as much anxiety as the noble lord (*Lansdowne*). It was wished to act on the system that had been suggested, but many difficulties had been experienced. In Ireland, prejudices were very strong with regard to education, both among Catholics and Protestants. The commissioners, therefore, were requested to try an experiment in some place where it was not likely any resistance would be made to their plan; and this they readily undertook. If the experiment were once fairly tried, he had no doubt that it would succeed.

Lord Ellenborough had heard, with great regret, what the noble lord had said about grand jury presentments. He was exceedingly sorry that no measure was in preparation on that subject. There certainly were not too few, but too many roads in Ireland. These roads were so many jobs, and were managed in such a way that the grand juries had not the means of doing justice. He was convinced that most of the money raised for making roads in Ireland was thrown away, as far as regarded the interest of the public. Part of a road was made one year, and part another; but the benefit which the public was to derive from it was postponed till the whole was completed, after a period, perhaps, of twenty years; and till that period he considered the money completely thrown away. In a part where a gentleman resided, the roads were kept in very good order; but it often happened that where the country was populous, they were in very bad condition.—With regard to the corporations, he believed the administration of justice in them was sometimes corrupt; and he thought that inquiry ought to be made into the mode of admitting persons to their freedom.—He did not know how far the attention of Government had been directed to the question of relief to the poor. His opinion was very decided against doing any thing in that way.—With regard to the question of education, it was his firm conviction, that until the Catholics gained their rights, they would never agree to any system which had been suggested. Every one who knew any thing of Ireland must be sensible that the public mind was at present greatly exasperated in consequence of the rejection of the measure of last session; and that therefore any suggestions on the subject were not likely to be listened to.

The Earl of Liverpool said, that whatever evils there might be to complain of with regard to the administration of justice in corporate towns, they could not be with propriety corrected by any general laws, because the rights of corporations were secured by charter. In the matter of relief for the poor, he was extremely anxious to see something done on that subject, if it were practicable. At the same time he was not prepared to say that any thing was practicable. He did not see his way so far as to be able to say that he could submit any proposition on this subject to Parliament in the present session.

Lord Ellenborough said, that he should not be satisfied with any alteration on the subject of grand jury presentments on the subject of roads, unless it were provided that no road should be undertaken except upon the report of a sworn surveyor; and that report not confined to a part of the road, but to extend to the whole. He also thought that no road should be undertaken without the sanction of Government.

The Earl of Darnley concurred with the noble lord who had stated that no agreement on the subject of education could be expected in Ireland, so long as the Catholics were deprived of their rights. The discontent produced by that denial of justice prevented every plan of reform from succeeding. Let the anxiety of the noble earl (Liverpool) to benefit that country, be as strong as he asserted it to be, still, so long as the principles he avowed last session were acted upon, it was impossible there could be any thing like tranquillity in Ireland. On the

subject of education, an opportunity had occurred before the rejection of the Catholic bill to do much. There was an appearance of increasing cordiality in all parties; and a disposition on the part both of Catholics and Protestants to give way to each other; but the extinguisher which was put on the question of emancipation had put an end to all hope of conciliation, and consequently of tranquillity. With regard to what had been said on the subject of a provision for the poor, he did not think that a system of poor laws ought to be established in Ireland.

COMMONS, THURSDAY, FEBRUARY 16.—During the discussion on Sir J. Newport's resolutions respecting the Irish Church rates (*post*, 43.)

Sir H. Parnell, adverting to the reformation which had been made under the present Irish Government with respect to the Irish magistracy, thought it might be carried farther. He had in a former session thrown out a suggestion, which, if adopted, would, he thought, have a good effect in Ireland. He meant, that of appointing Lords-lieutenants of counties, in the same manner as they were appointed in England. This suggestion had met the approval of the late Lord Londonderry; but he regretted that nothing had been since done with respect to it. The evidence before the committee of last year went to prove that great abuses existed in the appointment of corporation magistrates, and he hoped that some regulations would be made on this subject. He understood, that some alteration was intended with respect to the office of under-sheriff, by the appointment of an officer in each county, to whom was to be entrusted the service of writs. This he thought unnecessary, and he hoped the house would pause before they adopted any measure interfering with the office of sheriff. He was glad to hear that some amendment was intended in the laws respecting landlord and tenant, and he hoped that the amendment would extend to remove the evil of sub-letting, and also to the system of levying distress, and of ejectment, in which great abuses existed. He wished to know, whether it was intended to extend to Ireland the provisions of the bill passed last session for the regulation of juries. That was an excellent measure, and he did not see why Ireland should not have the benefit of it. He wished also to know, whether the bankrupt laws, as they existed in this country, were to be made applicable to Ireland? The trade of the two countries was now placed on the same footing, and he thought the same system of bankrupt laws might be made applicable to both. There were also some acts of George II. on the subject of banking, the repeal of which would be considered of service to Ireland.

Mr. Phunkett:—With respect to the bankrupt laws, he had consulted with the courts in Ireland, with the Lord Chancellor, and the Master of the Rolls there, and the result was, a conviction that it would be inexpedient to apply the bankrupt laws, as they now existed in this country, to Ireland. A bill, however, had been prepared for extending to that country some of the most salutary provisions of the new law. As to the bill for regulating juries in this country, it would be sufficient to say, that the basis of that bill consisted of returns of jurors made by overseers of the poor and churchwardens. Now, in Ire-

land they had no overseers of the poor, and he hoped they would long continue without them (hear, hear); and as to the returns made by churchwardens, he thought that the hon. bart. himself would not like to see returns of jurors made by men holding an office from which Roman Catholics were excluded. There were other parts of the details of the bill which he also thought would be inapplicable to Ireland at present. It would, therefore, be better to watch the operation of the bill here, and then see what part of it could be made applicable to Ireland. On the subject of reforms in the magistracy, he was not prepared to say that any new measure was in the contemplation of the Irish Government. Complaints had been made on the subject, which on inquiry proved to be unfounded. There was one complaint that a learned lord had neglected to attend to a very serious charge against a magistrate, alleged to have been guilty of most oppressive and illegal conduct. The facts of the case were, that an inquiry had been instituted into the conduct of the magistrate, and that the whole charge against him was without foundation (hear, hear). He was preparing a bill relating to the law of landlord and tenant in Ireland, which would, he conceived, remedy several abuses, especially that of double distress.

Mr. *Abercrombie* did not mean to say that the new bankrupt act might not contain some useful provisions, but he believed it had been most useful to members of the profession, who had most profited by it. It had also been useful, for a similar reason, to the commissioners of bankrupts; but he considered it much more calculated to cause useless expense than to promote the interests of those who might have the misfortune to come under its operation; indeed, he was somewhat surprised that no notice had as yet been given of bringing in a bill to remedy the defects which it had been found to contain; and he hoped the learned gent. (Mr. Plunkett) would not think of extending it to Ireland till he had well considered the nature of its operation. He did not consider the objection which had been raised by the learned gent. to introducing the jury-bill into Ireland—viz. that there were no overseers of the poor in that country—at all tenable, for there was no necessity that this measure should be carried into effect in Ireland in the same way in which it was carried into effect in England: there could be no objection to conferring on Ireland what was good in that measure, though it might have to flow through a different channel.

Mr. *Peel* saw no objection to extending the jury-bill to Ireland. It was not necessary that it should, in every particular, agree with the bill for England. But the experience of an assizes might suggest improvements in the bill, so that a little delay might be not inexpedient. In his opinion it would be extremely beneficial to Ireland, if some officers were appointed there to correspond with our lord-lieutenants. It might not indeed be quite so easy to meet with these officers in Ireland as in England, on account of the latter being the seat of the legislature, and the consequent absence from Ireland of those who were best fitted for such situations; but still he trusted that by degrees this object might be effected. He should propose that the bill for the consolidation of the laws relating to debt should also be extended to Ireland.

SESS. 1826.

### *Peace-preservation Act.*

LORDS, THURSDAY, MARCH 9.—The Earl of *Kingston* moved for the production of the information against Patrick Hogan and William Murphy, who had been taken into custody by the Mayor of the police on a charge of having been implicated in the murder of the family of the Franks. His object in making this motion was to show their lordships how much better the peace of the country might be preserved by the local magistracy than by the constabulary force appointed under the Peace-preservation act; and thereby to prove that that bill ought to be withdrawn. The Lord Lieutenant of Ireland had the power of increasing that constabulary, and in consequence of the two bodies conflicting with each other in the discharge of their duty, the inhabitants were the sufferers. For two years they had had a land-tax of 10*l.* a year to pay, in a district where there had not been the slightest disturbance. An order came down from Government, directing the chief constable not to allow any of his men to attend at fairs for the preservation of the peace, unless accompanied by one or more magistrates. This order had been productive of great disturbance. A great riot having occurred at the fair of Cabir between two associations, denominating themselves "Three year olds," and "Four year olds," whereby a considerable loss was sustained, in consequence of the fair being spoiled, although there was a police station quite near, yet the constables refused to interfere to prevent the riot, but allowed the combatants to fight it out, and the consequence was, that one or two individuals were killed—a circumstance which never would have occurred, had the preservation of the peace been confined to the local magistracy. His lordship then stated the fact of his having sent to the police in the month of January to make inquiries respecting the character of a certain public-house in his neighbourhood, when he was informed that they could give him no information on the subject, as they were desired not to interfere with public-houses; the magistrates must, therefore, visit them themselves. So that a constable was not to go where he would be exposed to the risk of having his head broken, but a magistrate might.

The Earl of *Liverpool* said, it was impossible for him to be able to go into an explanation as to all the particulars stated by the noble lord, whom he reminded that a committee had been sitting during the last session to inquire into this as well as other subjects connected with Ireland. If the noble lord had any complaint to make with respect to the police, and had addressed it to the Lord Lieutenant, or the rt. hon. Secretary for Ireland, he was sure it would have been attended to. As regarded the noble lord's present motion, he (Lord *Liverpool*) could not understand his motives in bringing it forward. If these parties were aggrieved, they might obtain redress by appealing to a court of law. Unless the grievance complained of were on a subject which could not be brought before the courts of law, it was not one with which Parliament would interfere. In his opinion, the noble lord had laid no ground for supporting his motion.

The Earl of *Limrick* rose to explain some of the facts to which the noble lord had alluded,

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and which afforded a curious illustration of the state of Ireland. The associations denominated the "three year olds" and "four year olds" were not formed for seditious purposes, but to prove their superiority in fighting; and a member of one party bound himself, wherever he met a member of the other party, to attack and beat him. However, no serious harm resulted. With respect to the police, in consequence of each party being obliged to remain in their own district, they (not being very numerous) were sometimes overpowered. When the Government, however, found that the system which they first adopted did not answer, the police were ordered to go wherever there was a riot, and they were sometimes assisted by parties of the military.

The Earl of Kingston said, that if whenever any of his tenants suffered an injury he were to appeal on his behalf to a court of law, his property would soon be insufficient for that purpose; for injuries of this kind were so numerous that he would be at law every day in the year. His reason for moving for these informations was because he believed there never were any. Nevertheless, the parties had been taken up without the slightest grounds of accusation, and kept in a military gaol for five months. He had offered bail for them; but it was refused, as they were stated to be murderers.

The Earl of Liverpool observed, that the facts were simply these:—An atrocious murder was committed, and certain persons were taken up on suspicion of having been concerned in it. If they had been improperly taken up, they had their remedy by applying to a court of law. He did not ask the noble lord to prosecute every case of alleged grievance, but if this were so gross a one as he seemed to consider it, he might make it the foundation of legal proceedings.—The motion was put, and negatived without a division.

### *Expences of Prosecutions.*

COMMONS, THURSDAY, MARCH 23.—In the Committee of Supply.

Mr. Hume said, that 35,935l. the sum proposed for criminal prosecutions, was enormous. He wished to know the way in which those prosecutions were conducted in Ireland, and the description of trials in which it was necessary to put the country to such expense. He also wished to know what portion of the sum which the house was called on to grant went to the Irish Attorney-General. The fees of that officer he understood were enormous.

Mr. Goulburn:—In Ireland, the Crown paid the expenses of all criminal prosecutions, the circumstances of which were distinguished by any peculiar features of depravity. Another expense which it was requisite to meet was that of securing the attendance of witnesses whose evidence might be essential to the ends of justice. It was necessary that those persons should be protected against the violence of those who might conspire against them through revenge. With regard to the fees attached to the office of Attorney-General, 1000l. a-year was given by the Lord Lieutenant to that officer for examining the calendar at each assizes, in order to ascertain what cases it might be advisable to prosecute. The entire emoluments of the Irish Attorney-General did

not exceed, yearly, the sum of 4000l., and he felt satisfied, when the house considered the vast importance, the heavy responsibility, and the great labours of that appointment—held, as it at present was, by a person of such high endowments (hear)—that the income which he named was not disproportioned.

Mr. Alderman Wood put a question respecting the number of counsel employed in criminal prosecutions.

Mr. Goulburn replied, that in no case, excepting, perhaps, in some important trials in Dublin, had the number of King's counsel amounted to five.

### *Inspectors' Salaries.*

FRIDAY, MAY 5.—On the motion for the third reading of the Prison Laws' bill,

Mr. Spring Rice objected to the clause granting an increase of salary to the two inspectors-general of prisons, and he moved as an amendment that 600l. per annum be substituted in the bill for 900l.

Mr. Hume deprecated any increase of salaries to those officers; he could not see the utility of their appointment, and he thought it a waste of the public money to vote sums away in this useless manner. He wished to know from the rt. hon. Secretary (Goulburn) whether he could not find persons who would undertake to perform the duties of those offices on the former salaries?

Mr. Goulburn said, that in Ireland the situations of Inspectors-General of prisons were required, from the peculiar state of the country. The office should be filled by gentlemen of some consequence, and he would not consent to the amendment.

Mr. Hume wished to ask the rt. hon. gent. whether it was intended to appoint new officers to those situations? If not, he could not see why the house should be called upon to grant them an increased allowance without a single attempt being made to show the propriety of such a measure. He thought this was a most unjustifiable job.

Mr. Goulburn said, that the real salary of the office of Inspector-General of Prisons was only 800l. per annum. The difference proposed to be given was in lieu of stationary and travelling expenses.

On a division, the numbers were—For the amendment, 13—For the original motion, 33—Majority, 20.

Mr. Hume objecting to the original vote,

Mr. Peel said, that it was desirable to have one uniform system of prison discipline in Ireland. It was therefore that those officers were appointed; and knowing something of the state of Ireland from his former connexion with that country, he thought that their control over the several prisons there was attended with benefit.

Mr. C. Grant said that it was essential either to abolish the situation altogether, or make it respectable. The present officers had objected to the smallness of their salary.

The bill was read a third time, and passed.

### *Lord Norbury.*

FRIDAY, MAY 5.—Mr. Scarlett rose to present a petition from an eminent barrister of the

Irish bar. Before he adverted to its prayer, he would observe, that the petition was committed to his care in the last session, and he had hoped that between that time and the present, the learned lord to whom it referred would have been induced, by the advice of his friends, to take that step which would have prevented the necessity of the present petition. Of the facts stated in the petition he had no personal knowledge; but he took them on the credit of the highly respectable individual by whom the petition was signed. It was, however, a great satisfaction, in introducing the subject to the house, that the matter of the petition did not and was not intended to convey the slightest imputation upon the honour and integrity of the learned lord whom it concerned. The petition was from Mr. Daniel O'Connell, a member of the Irish bar; and it called the attention of the house to the facts, that Lord Norbury, the present Chief Justice of the Common Pleas in Ireland, was in a very advanced state of age—now 85. That from physical infirmities incidental to that period of life, he had become utterly unfit to discharge efficiently the high and important duties of his judicial situation; and was so deaf, that he heard with great difficulty, unless he was addressed in a tone unusually loud. It was also stated, that he was frequently affected with a lethargic stupor, which caused him to fall asleep while in the performance of some of his most important judicial duties. One instance was mentioned in which this occurred on a very important trial, in the course of which the learned lord fell asleep, and one of the barristers employed felt it necessary to request the jury to take notes of what was passing, that they might be able to inform his lordship when he awoke. On another occasion his lordship fell asleep on the trial of a prisoner for murder, who having been convicted, was afterwards pardoned on account of this irregularity. The petitioner added, that should he be called upon to offer proofs in support of his allegations, he would confidently appeal to the other judges of Ireland, as well as to the whole Irish bar; and if any one practising barrister were found who would declare on his honour that he considered the learned lord competent to the discharge of his official duties, he (the petitioner) would give up the question (hear, hear). The petitioner added, that public motives alone had induced him to bring this subject forward—that his private feeling and personal interest were opposed to it; but that still he felt himself bound, though alone, to lay the facts before the house. The learned gent. (Mr. Scarlett) added, that it was not his intention to found any motion on the petition. If such a course should be found necessary, he thought the task would be better undertaken by some member belonging to Ireland. On the general principle involved in the petition, he would state his opinion, that infirmity, caused by old age, producing incapacity, would be a fair ground for the removal of a Judge from his office. The complaint of the petitioner was not that the learned Judge had been originally unfit for his office, but that time, that great innovator, had disqualified him from any further adaptation to business.

On the question that the petition be brought up. Mr. Goulburn said, that as the learned gent. had declared that he did not intend to found any motion on the petition, it would not

be necessary for him to enter into any detailed explanation; but the case was of such a nature as rendered it imperative on him to say a few words, for the purpose of calling the attention of the house to the situation in which this petition placed the learned lord and his friends. The petition was signed by only one individual, and adverted chiefly to the learned lord's age as the cause of his incapacity. He (Mr. Goulburn) would not say, that age might not incapacitate a man from the discharge of important duties—but Lord Norbury was not older than other judges who had discharged the duties of their office with ability and advantage to the public. He had had frequent intercourse with that learned lord, and in the course of it he had not found in him any unfitness for the duties of his situation. There was one case of recent occurrence in the Court of Common Pleas, in which the learned lord presided, where he differed on a point of law from his three colleagues on the bench. From that decision an appeal was made, and it was decided by the twelve judges that the learned lord was right. Taking this fact into his consideration, he would contend, that whatever authority might attach to the statement of the petitioner, there was not in it enough to satisfy the house of the incompetency of the learned judge. It might, perhaps, be right for Parliament to interfere and make a general regulation by which the services of the Judges, after a certain age, would be dispensed with, in order to guard against the chance of inefficiency on that ground, but until that was done, he thought it would be invidious to remove a judge solely on account of his age.

Mr. North said, that without adverting to any of the other circumstances stated in the petition, he would concur in that which stated the learned lord's age to be 85—an age at which he believed no other judge in this country or Ireland had continued on the bench. As the question was now introduced, he would, with every respect for the learned lord, say that he would have consulted his own ease, his dignity, the wishes of his friends, and the administration of justice, if he had retired from the bench long since (hear, hear). But whenever he retired from the bench, he would leave behind him an impression of kindness, which would be remembered long after his infirmities were forgotten (hear, hear). He had felt it his duty to state this, though he would not for worlds have introduced the subject.

Mr. Peel said he was confident that the learned lord, whom he was proud to call his friend, would have retired from the bench before now, but for the intimation that a petition of this nature was intended. The high sense of honour, for which he was ever distinguished, made him unwilling to resign while there was an appearance of his having acted under the influence of a menace. He was pleased at the temperate tone in which this subject had been introduced to the house. He was satisfied that there was no intention of casting any imputation on the learned lord. He would convey to him an account of the manner in which the subject had been noticed, and intimate that it would be competent to him to retire from office without the slightest imputation on his integrity.—The petition was ordered to lie on the table.



*Catholic Claims.*

LORDS, THURSDAY, MARCH 9.—The Earl of Dornley presented a petition from the inhabitants of Drogheda in favour of the Roman Catholic claims. He had witholden the petition for some time, because the attention of Parliament had been so much directed to the commercial distresses and the condition of negro slaves. He thought, however, that the condition of the slaves was not so bad as that of the lowest peasantry in Ireland; and he could not help observing, that the very persons who called upon Parliament to precipitate the question for the emancipation of slaves, were the same who advised Parliament to deny the application of a similar benefit to Ireland, by which measure alone that country could be kept for any length of time in tranquillity. The petitioners prayed their lordships to restore them to their just rights; but their prayers had been refused under false pretences. He could not forget the argument of the noble lord (Liverpool). His speech, he thought, was the most acrimonious, excepting that of a rt. rev. prelate (the Bishop of Chester). The noble lord stated that he would not treat the question as a theological one; but all his arguments went to confute what he regarded as a mischievous absurdity in the Catholic faith—namely, the exposure to a divided allegiance. However, notwithstanding this notion of divided allegiance, the command of fleets and armies was intrusted to Catholics, though they were not allowed to sit in Parliament. But the Catholics disclaimed this doctrine of divided allegiance, and declared that to his Majesty alone they owed allegiance. The noble earl requested the particular attention of their lordships to this passage in the petition:—"That your petitioners beg leave to impress on the consideration of your right hon. house, that the charge of a divided allegiance is utterly devoid of foundation: and that a credence of such a calumny amounts to a charge of perjury on your petitioners, when, in their oath of allegiance to their sovereign, they have sworn in the most solemn and distinct manner, 'that no foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, within these realms.' The faithful observance of oaths by your petitioners, notwithstanding all the tempting inducements for their violation, should screen them from such a calumny; but it is the misfortune of your petitioners to find their claims successfully opposed on grounds equally untenable."

The Earl of Liverpool:—With regard to what he had formerly said on the question to which the petition related, he should never shrink from giving his opinion when the subject was brought regularly forward; but he did not conceive that he was called upon so to do on the present occasion. With respect to what was stated in the petition on the subject of divided allegiance, he must disclaim ever having made such an accusation as amounted to a charge of perjury. The Catholics declared, that in taking the oath of allegiance to his Majesty, they disclaimed any divided allegiance, and he was convinced that in swearing allegiance they swore what they conscientiously believed to be true. But they also acknowledged a spiritual

allegiance to the Pope, and the real question was, how far that spiritual allegiance was reconcilable with their civil allegiance. That was fair matter of argument. He had already stated his opinion on the question, with the grounds on which his opinion was founded. That opinion was before the house and the public, and he should never shrink from its avowal; but all that he wished now to say was, that in stating his opinion he did not accuse the Roman Catholics of perjury, or of swearing to any thing which they did not believe to be strictly true.

MONDAY, APRIL 17.—The Marquis of Lansdowne rose to present a petition from the Roman Catholics of Ireland. Although the petition which he then had to ask their lordships' permission to lay before them, was similar to those which had on other occasions been submitted to their consideration, he could not place it on the table without saying a few words in reference to it. Notwithstanding that the grave had closed over that noble lord (Donoughmore) whose services had long been devoted to the cause of the petitioners, and many more devoted to the support of the same cause, who had, like him, been compelled to transmit to others their unfinished task—as it also had closed over millions of the people whose just claims had thus unsuccessfully been advocated, those claims would never fail to be renewed, as long as there continued among the people of Ireland a just sense of the rights which they ought, in common with their fellow-subjects, to enjoy—as long as the Catholics continued to feel, and God forbid they should ever cease to feel, the disadvantage of their exclusion from the privileges of their Protestant countrymen, and which they would not experience if they lived under any other Protestant Government. The petitioners had with great propriety abstained from any thing like polemical discussion. They had introduced into their petition none of those theological questions which, however proper in the pulpit, or in learned dissertations from the press, he never wished to see agitated within the walls of that house. They had, with great propriety, confined themselves to answering the allegation that they were unfit to enjoy the same privileges as the other subjects of his Majesty—he meant the allegation that they could not give an undivided allegiance. This incapacity they solemnly disclaimed. To the pledge thus given, he trusted their lordships would pay that attention which it deserved at their hands.

Earl Grey had to call their lordships' attention to a petition from the same body as that which had been presented by his noble friend, and which could not have been entrusted to the care of a more zealous and able advocate. His noble friend had that day shewn that his zeal for the cause which he espoused was tempered by the soundest discretion, in refraining from doing any thing more than to make the usual motion for laying the petition on the table. It was his intention to follow the same course; but in doing this he also wished in common with his noble friend to express his opinion, that civil disqualification on religious grounds, if not founded on a paramount public necessity, could not be maintained on any principle of policy or justice; and that upon the accomplishment of the object of the petitioners, the peace and prosper-



city of Ireland, and therewith the security and power of the British empire, depended. He therefore looked forward with an anxious hope to a time, and that not distant, when, under his auspices, this question would be taken up and pursued to a successful issue. Having said thus much, it was now his duty to advert to the particular object of the petition which he had the honour to present to their lordships. The petitioners expressed their deep sense of the injury they suffered from the disqualifications under which they laboured on account of their religious opinions. They stated that they had endeavoured at various times, and through various channels, to remove the unfavourable and unjust impressions which existed against them. With this view they had associated and formed that body which was called the Catholic Association—an association formed on sound and constitutional principles, and in the institution of which they were warranted by the precedents and practice of the best times of British history. They complained, that against this association a bill had been introduced. The allegations of that bill they offered to refute, and prayed to be heard at the bar for that purpose, but their prayer was refused, and they therefore complained, that, without examination or inquiry, that bill had passed into a law. They concluded their petition by praying their lordships to repeal the law. After this statement, it only remained for him to fulfil his duty by moving that the petition be laid on the table. Before he made that motion, however, he begged leave to present another petition, which was from the Catholic inhabitants of the parish of St. Audeon, in Dublin. These petitioners requested their lordships' attention to a particular point—to those proposed measures which were known by the name of wings, but which, he concurred with the petitioners, did not assist the cause in its upward flight: for, instead of enabling it to soar, they clogged and impeded it. To these measures he had strong objections, particularly to that one which went to disfranchise a large body of electors, the 40s. freeholders, without a single allegation of abuse—to deprive them of the right to elect representatives—a right which they held under the same sanction of British law by which all other rights and property were protected. He agreed with the sentiments expressed in the petition on this point, as well as in the disapprobation expressed at the intended public provision for the Roman Catholic priesthood. There was no question, the consideration of which was so essential to the peace and security of this empire as that of the continuance of those laws, as unjust as they were unwise, which excluded Roman Catholics from the privileges enjoyed by other British subjects.

The petitions were read and laid on the table.

COMMONS, TUESDAY, APRIL 25.—Sir Francis Burdett said, that in rising to present the petition of the Catholics of Ireland, praying relief from the political disabilities under which they so unjustly laboured, he felt he was not justified, under existing circumstances, in going at any length, or indeed at all, into the merits of the general question itself, the principle of which had so often received the sanction of that house. At the same time he was anxious to avail himself of this opportunity to entreat

the house to consider once more the interest which this subject was calculated to excite—to assure them of his own deep and unalterable sense of the justice of the claims of these petitioners, and not only of their justice, but also of the sound policy, and wisdom, of attending to them (hear). As it was not his intention to bring on any formal discussion upon the prayer of this petition, it would not perhaps be altogether fair in him, were he, on the present occasion, to use the indulgence usually shown to the presenter of a petition, for the purpose of saying more upon the general view of the case, than that he seriously recommended the house to consider what reception they ought to give to claims like these so founded on reason and truth—claims, too, which never could be laid at rest until they were satisfied—claims which all who spoke with proper opportunities of knowing the real state of Ireland concurred in describing as interwoven with the best interests of six millions of people, whose national character stood so high for honour, energy, and virtue, that they were described by the first minister of the Crown (the Earl of Liverpool) as being as honest and praiseworthy a people as any under the sun. And yet must not these have felt themselves degraded to the last degree, when they were compelled at the same time, and from the same lips, to hear, that they were unfit to be admitted within the pale of the British constitution? When he recollected that some of the most ancient and respectable of the English nobility, as well as a large portion of the people of this country, were placed in the same situation as the petitioners; when he considered the additional claim that Ireland had, since the Union, he hoped the house would forget their worn-out prejudices. It was time that this question should be settled, when its policy and necessity were so strong, that they could not hope for the peace of Ireland until that consummation was attained, or indeed take the sense of the house upon other measures which were upon all hands admitted to be essential for the welfare of Ireland, and of the kingdom generally; for all who were conversant with the affairs of Ireland admitted that these measures could hardly be brought forward till this great stumbling-block, in the way of all improvement, were removed. He hoped that, under all these urgent circumstances, the house would speedily feel convinced of the reason, justice, and propriety of conceding to six millions of their fellow-subjects, an eligibility to civil rights, without which they must continue as it were aliens in their native land. Until this question was finally settled, and in the only way in which it could be justly determined, namely, by conceding these claims,—they could not hope for concord or satisfaction in their government of Ireland (hear). There never could, nor ought to be satisfaction among the Catholics of Ireland, or of England, until justice were done them; they would not deserve the privileges which they sought, were they unmindful of the exclusion of which they now complained.

Mr. Brougham, in seconding this motion, declared his cordial concurrence with the hon. bart. in every thing which he had said upon the policy, expediency, justice, and necessity, of conceding these claims.

Mr. W. J. Bankes felt it due to the consistency of those who thought with him upon this

subject, also to declare that their opinions were unalterable upon it. And he regretted exceedingly that no convenient means had been afforded in the present session, of fully discussing the petitioners' claims; for he was satisfied that the public feeling, or rather the public opinion, would then have been unequivocally expressed against the proposed concession. Had this course been taken on the eve of the general election, the public would have known how to choose their representatives for the new Parliament, and he confidently anticipated the result. It had been sometimes said, that the Catholics of this day were not the same as those of the past; there was, however, one expression in this petition which set that matter entirely at rest, for the petitioners avowed the unaltered state of the Catholic religion. He believed that avowal, and gave firm credence to those who uttered it; and it was upon that fact he had always founded one of his great objections to these claims. He could not see either the reason, or the policy, still less the justice, of committing the care of a Protestant established church to Catholic members of Parliament. Indeed, human nature must make Catholics who were sincere believers of the principles of their religion decidedly hostile to a church which they must feel was an innovation upon their own system, which they always deemed to be infallible. As to the church of Ireland, he was quite satisfied it would not stand for two sessions in an unchanged state, were Catholics admitted into Parliament. Some hon. members might perhaps think such a change would be beneficial; he was, however, of a contrary opinion, and thought it would inflict a fatal injury. He should only further say, that the experience of the two last years—all the acts, speeches, and publications of the Catholic body—convinced him more strongly than ever of the unaltered and unalterable principles of the Roman Catholic church and of the danger of granting these claims.

Mr. W. Smith could not refrain from saying, that such a concession was what he did not expect to have heard from the hon. member; and he only lamented that a convenient opportunity could not now be afforded, to permit the hon. member to show such an effect would follow from the introduction of a few Catholic members.

The petition was then ordered to be printed.

Mr. Brougham said, he had to present a petition from the same body, complaining of the act of a former session, which had suppressed the meetings of the Catholic Association. It was unnecessary for him to add, that he entirely agreed in its prayer, because at the time of the passing of the act alluded to, he had opposed it most strenuously; and whenever the repeal of it was brought forward, he should be found one of its most staunch advocates.

The petition was brought up and read.

FRIDAY, APRIL 28.—Mr. Spring Rice presented two petitions from the late Catholic Association, signed by upwards of 100,000 Catholics. The first petition complained of the law of Corporations in Ireland, as it affected Roman Catholics; and the second complained that the conditions of the treaty of Limerick had not been complied with. All parties, whether for or against the question of Catholic emancipation, seemed to concur in

thinking that the present time was not the most favourable for the agitation of that question; in compliance with which feeling, he would not at present enter into any discussion on those petitions, as they necessarily involved the general question of Catholic emancipation. He could, however, if necessary, prove the injustice and impolicy of continuing those religious disabilities to which the Catholic population of Ireland were subjected; and if it were necessary, he could also show that the complaints embodied in those petitions were founded on truth and justice.

Mr. G. R. Dawson said that the present petitions had occasioned in Ireland the greatest anxiety and excitement; and emanating as they did from a body which certainly were not entitled either to the approbation or protection of the House of Commons—a body of men who were by no means important in themselves, and whose only distinction was derived from the mischief of their measures, and their attempt to evade the law—he thought it right to oppose their introduction. The complaint was, that the treaty of Limerick had been violated, and that the British Parliament, in not recognizing that treaty, and in continuing Catholic disabilities, were equally, if not more blameable than the immediate violators of the treaty. Now, in order to prove the grievance complained of, it would be necessary to inquire what privileges the Irish Catholics enjoyed at the time of that treaty. In the reign of Charles II. they were excluded from every office connected with the state, and in consequence of the oath of supremacy they could not sit in Parliament. On the 21st of June, 1642, the house adopted a resolution to this effect—"The house, taking into consideration the wicked and abominable doctrines of Popery, it is ordered that all persons professing those doctrines shall take the oath of supremacy." Besides these authorities, there was an order of the Irish House of Commons, directing a new writ for Drogheda, in the room of Mr. Brick, who had refused to take the oath of supremacy. At the time of the treaty of Limerick, all members of Parliament were indispensably obliged to take that oath before they were qualified to sit as members of the legislature. The Parliament of 1661 sat until the first year of Charles II., and the first thing done after the restoration was, to renew a resolution, *nemine contradicente*, for the purpose of rigidly enforcing the old practice of taking the oath of supremacy. This was an incontrovertible proof that Catholics could not sit in Parliament in the reign of Charles II. But it might be said, that these were mere resolutions, not having the force of law. They, however, showed the disposition of the legislature on this subject, and entirely negatived the supposition that the Catholics had then these privileges. The treaty of Limerick was signed on the 3d of October, 1691; but the ratification, so far as it went, did not take place by King William until the 5th of April, 1692. In the meantime, Parliament had been assembled, and their first act, which received the royal assent on the 22d of December, 1691, was to exclude all Catholics from eligibility to a seat in the legislature. Why, then, did not the Roman Catholics remonstrate against the violation of the article in the treaty of Limerick, if they thought themselves aggrieved in the manner in which it was now contended they had been? All the contem-

porary authorities were silent upon that treaty as a particular grievance affecting the Catholics. Mr. Moliseux mentioned it as an act of injustice, inasmuch as an attempt was made, in consequence of it, to bind Ireland by an act of the British legislature, but he had never pressed it as a violation of faith to the Catholics. It was, therefore, nugatory to raise an argument founded upon such a position.

Mr. S. Rice wished to see the issue put upon the construction of the treaty of Limerick, with reference to the case of the Catholics (hear). He must at the outset deny the assumed authority of the English Parliament to bind the legislature of Ireland: it was an unjustifiable usurpation, which had subsequently been abandoned, and he was surprised to have heard the patriot Molineux quoted as an authority for the view taken by his hon. friend, which was contrary to every deduction that could be drawn from historical facts. So far from the oath of supremacy being an indispensable obligation for Catholics before they were competent to sit in Parliament, he need only to state the conclusive fact, that although that oath was in force in England from the time of Queen Elizabeth, there were no less than ninety-eight Roman Catholics, in the reign of James the First, sitting in the Irish House of Commons,—a large proportion, when the whole number of members was only 220; nor were they excluded until the end of the reign of Charles II., and then by an act which never had operation in Ireland. To say that the acquiescence of Ireland, in such times and under such circumstances, was to be taken as a proof that the Catholics were unconscious of having any claims of the nature now set up, was to overlook the weakness and dependance of the conquered party, and their helplessness under the rule of those who had triumphed. It was singular enough that his hon. friend should have confined his observations to the 1st article of the treaty of Limerick, and that he should have prudently abstained from touching upon the 9th article, which declared that no other test should be required from Catholics but the oath of allegiance, and expressly exempted them from the oath of supremacy. So that if the latter were ever in force against them, which he denied, it was expressly barred by this 9th article. But upon this subject of the treaty of Limerick he would quote authority, which was beyond all question. It was not the authority of Catholics, or their advocates, but of no less a personage than Bishop Burnett, who, when summing up the effects of the treaty, distinctly admitted that the Catholics were to possess the same privileges as other subjects, upon taking the oath of allegiance, and without the oath of supremacy (hear, hear).

Sir John Newport said, that attacks upon the Irish Catholics for intemperance came with the worst possible grace from the hon. gent. (Mr. Dawson) considering the official station which he filled. Equally singular was it, that, of all men, the hon. member should have revived the worn-out and abrogated attempt to bind Ireland by resolutions of a British House of Commons, when his constituents had eminently signalized themselves at the time of the establishment of Irish independence, in 1780, in resisting that usurpation, and had sent forth their volunteers to assert the case of their country. He (Sir John Newport)

had, however, lived to see a member for Derry re-assert and venture to justify that abominable, gross, and nefarious usurpation, long after the resistance made to it by Ireland, and after the formal abandonment of the principle by England herself.

Mr. Dawson, in explanation, disclaimed having asserted any such principle; he had merely quoted resolutions of a former House of Commons in illustration of his argument.

The Solicitor-General said, that the hon. member (Mr. Rice) had certainly taken a wrong view of the effect of the treaty of Limerick.

Mr. Peel by no means acquiesced in the view, that the privileges now withheld from the Catholics were so withheld in violation of the treaty of Limerick. It would be time enough when that argument was finally urged, to combat it, which he should certainly be prepared to do; retaining as he did his original opinion respecting that treaty, and not concurring in the assertion that the admissibility of the Catholics to political power had been withheld in consequence of its operation. The petitioners themselves seemed doubtful of the extent to which they meant to press their argument founded upon the treaty of Limerick, or on that particular article of it which was framed to secure them in the exercise of their religion, so far as was consistent with the laws of Ireland. Did they mean, by this provision, that they were to be free from molestation in the exercise of their religion, or did they construe it into an admission of their claim to equal eligibility to civil office? He thought that they confounded both senses in their construction.

Mr. S. Rice, in reply, said that this construction had been put on the treaty of Limerick by some of the most eminent crown lawyers in Ireland. He would be most willing to argue the question on this ground with the right hon. gent.

The petition was ordered to be printed.

LORDS, MONDAY, MAY 8.—Lord Dudley and Ward presented a petition from the Roman Catholic inhabitants of Roscommon, praying to be relieved from the disqualifications under which they laboured. However erroneous their faith might be, the Roman Catholics had an excuse for not abandoning it; for too few steps had been taken to convince them of their error either by the Government or by the clergy. They had been released by the bounty and wisdom of Parliament from all those penalties and the greater part of those disqualifications, and they prayed to be exempted from the remainder. He was not disposed to violate that sort of tacit convention, by which it was understood this subject was to be allowed to rest undisturbed during the present session of Parliament; and, if he had any influence with the Roman Catholics, he would advise them to refer their case to those persons who had so ably advanced their cause. The Roman Catholics, as far as Parliament was concerned, were in very good hands. They would do well to recollect the difficulties they had to encounter from the opinion—and he believed it to be a sincere opinion—which prevailed of the great danger that would attend the granting of their claims both to the constitution and the state; and also to consider that their best method of obtaining



their object was to remain tranquil under the trying, and, he might say, provoking state, in which they were placed.

FRIDAY, MAY 26.—The Marquis of Londonderry presented a petition from the Roman Catholics of the County of Monaghan, praying to be relieved from the disqualifications under which they laboured. The longer he lived in Ireland, the more convinced he was that country never would enjoy tranquillity until the Catholic claims were conceded. Those who favoured free trade, should extend their liberal policy to Ireland. If they began their operations there, they would be the better able to accomplish their object.

### *First Fruits.*

COMMONS, TUESDAY, MARCH 21.—Sir John Newport rose to call the attention of the house to the state of the first-fruits' fund in Ireland, with a view to improve and render it more effectual.—The rt. hon. bart. proceeded to give a history of the establishment of the first-fruits' fund, and of the uses to which it was intended to be applied. The act of Queen Anne declared that the first fruits were to be appropriated to the purposes of building and repairing churches, providing glebes wherever they were wanting, and also for the more liberal support of the clergy. At the period when this fund was formed, there was also collected, in Ireland, from the different benefices, one-twentieth, and from the different benefices in England, one-tenth of their valuation, to be applied to the same purposes. The valuation of that period, with respect to Ireland, had remained the same ever since, although it was manifest that the real value of livings must have been greatly increased. The consequence was, that the sums which the clergy ought to pay for the building and repair of churches were obliged to be supplied by the state at large. In the act of Parliament which related to England, a clause was inserted, with respect to the propriety of having new valuations, at particular periods, which had not found its way into the Irish statute on the same subject; the consequence of which was, that no new valuation had been made in that country. It appeared to him that, from time to time, as the value of the living increased, the amount of the first fruits should be increased also. It was a grant of the property of the Crown, made by the Crown for the better support of the church and of the church establishment, and not for the private benefit of individuals. He believed that one-fourth of these benefices in Ireland had not been valued at all; and of those which had been valued, the valuation was not, at the present day, a just and efficient one. He pointed out the difference between the valuation of the benefices in the English and Irish Church. During seven years, ending 1824, the Archbishoprics and Bishoprics of Ireland contributed 910l. 10s. 11d. to the first fruits. During the same period, the Archbishoprics and Bishoprics of England yielded to the first fruits' fund 5,419l. 9s. 10d., and for the twentieth-parts the sum of 8,511. 4s. 6d., making in the whole 14,270l. and upwards. It should be observed, that the collection of one-twentieth on the valuation of the Irish benefices had been long since removed;

and therefore they were more able to pay an additional sum to the first-fruits' fund. However, it appeared that in seven years Irish livings had paid only 910l., while the England paid, under the two heads he had mentioned, 14,270l. (hear, hear). Since he had addressed the house on this subject, the composition act had taken effect in many parts in Ireland; and the proceedings under that act proved how different in point of fact was the action by which the contribution to the first-fruits fund was regulated, and that at which livings ought really to be rated. In the diocese of Cloyne, 95 livings were valued at 258l. and 25 of these which had compounded for tithes, produced no less than 10,590l. A large sum, not less than 600,000l., sufficient to meet every object for which these first fruits were intended, was thus diverted from its legitimate channel. Was it to be allowed that clergy should put so much wealth in pockets, when it ought to be applied, as a bounty, to the building and repairing of churches, &c.? Were the first fruits to be permitted to remain thus unproductive, while Roman Catholic peasantry were obliged to contribute to the repairing and building of places of worship which they did not attend? the Crown expressly said, "this fund was appropriated to certain purposes," it being highly fitting that the intention of the Crown should be strictly observed. It could not be doubted, that if this property had remained the hands of the Crown, the Crown could have commanded a valuation at any time; and Parliament, because the Crown had divested itself of its right for the benefit of the church, allow its gift to remain unproductive, so the object of the Crown was concerned? Primate Boulter, shortly after his arrival in Ireland, wrote to the Archbishop of Canterbury stating that he hoped to induce his brethren to consent to a larger payment on account of these first fruits. He (Primate Boulter) thought it was right that the clergy should make their own especial fund productive for the benefit of the state to assist them in building and repairing churches. His proposition was, however, ungraciously received and produced no good effect. An effort was made early in his late Majesty's reign, to institute an inquiry as to the best means of making the first fruits more productive; but, perhaps the same causes which operated against Primate Boulter's attempt, it also was dropped. The bishops' lands and glebe-lands, in Ireland amounted to no less than 700,000 acres—nearly equal to the plantation acres—which was nearly equal to 1,000,000 English acres; but the produce of the first fruit fund was, as he had already shown, scarcely any thing. He would now very briefly show, from a return which had been laid before the house, the difference of the produce of the first fruits in England and Ireland. The livings within the jurisdiction of the primate of England yielded 200l. while those within the jurisdiction of the Archbishop of Canterbury produced 2680l. The diocese of Clogher, which was worth at least 10,000 years, paid 300l. The entire of the bishoprics and bishoprics in Ireland were valued at 3177l., while the archbishoprics and bishoprics in England were valued, for the first time only, at 21,325l., exclusive of the valuation of their tenths, amounting to 8861l. Under the circumstances, he certainly should place

their journals—if he could not succeed in carrying it—a resolution, commencing with a statement of what the nature of the first fruits' fund was, pointing out the manner in which Queen Anne intended they should be applied; showing that it was nothing more than just and equitable that grants made by the Crown for specific objects ought to be rendered efficient for the purposes of those objects; declaring that the house would no longer allow grants to be charged on particular classes of people, by parochial taxation, or on the great body of the nation, by Parliamentary votes, for purposes that ought to be met by the first-fruits' fund; and calling for a committee to inquire into the whole subject, and to report its opinion thereon to the house.—He concluded by moving a resolution, stating these different points in detail.

Mr. *Goulburn* opposed the motion. The principle laid down by the rt. hon. bart. was one of the most dangerous that could be conceived. It involved not merely the interests of the clergy of Ireland and of England; it went much farther—it involved the interests of many other orders in the state. What the rt. hon. bart. contended for was, that the clergy should build and repair churches out of those funds which they received as a reward for the due performance of their sacred duties. The rt. hon. bart. found that a larger sum was paid by the English than by the Irish Church, and therefore he wished the house to go into a committee, to make a law, by which funds were to be wrung from the latter establishment, to defray the building and repairing of churches. This, he (Mr. *Goulburn*) contended, was an attack on the church in the first instance, and, if successful, would lead to an attack on other interests. The facts of the rt. hon. bart. were inaccurate, his law was incorrect, and therefore his deductions were unsound. In looking at this question, they must go back to the period when the first fruits were granted by the Pope. All the legal authorities of that day spoke of the grant as a grant that ought never to be calculated upon the ratio of the real value of the land, or any thing near it. It had been long held, that the incumbent should only pay according to the value computed in early times. This doctrine was never disputed, when the right which the Pope had enjoyed became legally vested in the Crown. His learned friend, (Mr. *Plunkett*), whose absence he much regretted, had showed on a former occasion that the rt. hon. bart. was wrong in his interpretation of the act of the 28th Henry VIII. The words with which that statute concluded, were those on which the rt. hon. bart. founded his argument. It was there set forth, "that the Lord Chancellor, the Master of the Rolls, and the Lord Treasurer, should compound for the first fruits, and settle the amount;" that was, at that time, for the statute said nothing about subsequent valuations. In an earlier statute, the 26th Henry VIII., the same principle was laid down, with this difference, that if the Pope did not compound for a reasonable rate, the King himself was to take the matter into his own hands, and order a fair valuation. The statute of Henry VIII. gave to no party a right to revise or make a new valuation with respect to benefices; and therefore there was an end of the rt. hon. bart.'s argument. It was notorious that the first fruits

never were calculated on the whole and immediate value of the living, but were settled by the old valuation. The question was, whether the house was prepared to affirm the proposition that the income of the clergyman was to be taxed for the purpose of building or repairing churches? He admitted the composition or valuation had taken place so early as the reign of Henry VIII., and had received no alteration since. But were there no other charges of the same description? Were there no rents in this country held under feudal tenures, which stood at a very early valuation, and which, according to the reasoning of the rt. hon. bart., must also require revision and alteration? Could the rt. hon. bart. think of proposing this change in the valuation of the first fruits, without calling to mind that the head-rents remained without increase? It was very true that the twentieths had been remitted to the Irish church, while the collection of tenths had been continued in England. But this only proved the necessity which existed for extending indulgence to the former establishment. He would never admit that the clergy were the only persons who derived benefit from the church, and that, therefore, they alone were to pay for building and repairing places of worship. The maintenance of the church was essential to the support of religion; and, as religion contributed to the well-being of all, the charges connected with upholding it should bear equally on all. The rt. hon. bart., however, would not do this. He would support religious establishments by imposing a tax on the clergy alone. The rt. hon. bart. might as well maintain, that the great public functionaries should pay for the erection of public offices, or that soldiers should defray the expense of building and repairing the barracks in which they were quartered. He would never consent that the clergy should be called on to build the churches, or that the usurpation of the church property, in the time of Henry VIII., should be carried to its extreme point in these days. He was convinced that such a measure, if successful, would reduce the clergy to the condition of debtors and paupers, and destroy their respectability and usefulness.

Mr. *S. Rice* observed, that in reference to what were called the usurpations of the older times, no notice was taken of the usurpations by the clergy of those divisions of the tithes which were appropriated to the building and repair of the churches.

Mr. *Dawson* said that the proposition of the right hon. bart. was equally opposed to law and justice. He had read the statutes over, and though he did not presume upon giving a competent opinion, it appeared to him that they bore no construction like that put upon them by the right hon. bart. It was never the intention of the legislature to impose frequent valuations of livings upon the clergy. There had in fact been no more than four valuations of livings from the time of Henry VIII. down to this hour, and all those valuations were of livings which had never been valued before. The commission in the time of James I. contained positive directions not to touch the livings which were valued before, and not to go beyond a just valuation of any livings. There was no question but that the right to the first fruits was the settled possession of the crown, and being then so settled, it was equally plain

from those instructions, that the King only wished to have the sums fixed which were to be paid into the Exchequer, and that those were to be the sums to be paid in from that time for ever after. Moreover a great portion of the livings at the time of the valuations taken under Queen Elizabeth were under 6l. value, and these were excepted by law from valuation. The proposition was founded on injustice. But if it had justice on its side, it must be as applicable to the property of the English as of the Irish church; and to lay impropriations as well as ecclesiastical. There was nothing in the question of the first fruits of one church which was not as applicable to the first fruits of the other. It would not be possible, however, for any member of that house to proceed in the same manner against the property of the English church.—He eulogized the spirit and conduct, the piety, liberality, and Christian-mindedness of the clergy of the Irish church, and rejoiced that the senseless cry, which had been raised against it, was at an end. He deprecated the tendency of the motion as it regarded other property. The usurpations of the Pope had been resumed by Henry VIII., who took with them not only the first fruits of the church, but of abbeys, monasteries, deaneries, and all other religious establishments. A great part of them was bestowed upon his servants and favourites, and still remained in the possession of their descendants. He could see no reason why the first fruits of abbeys and monasteries should not be resumed for the building and repair of churches, if the remaining church property were to be taxed to so considerable amount for that purpose.

Mr. Lockhart had expected the right hon. bart. to make out a very strong case, and was now prepared to say, that from the weight of argument on the other side, he felt convinced that the proposition could not be adopted. Why should they seek for a principle to justify them in that which was on every side called the usurpation of the Pope? If the Pope had usurped any portion of the property of the church, the Crown did right in resuming it; but then it ought to be given back to the church. And it was upon this feeling that the Crown seemed to have acted upon the subject of valuation. It would, indeed, be taking a heavy stride now to revive the claim of the Crown to the utmost amount of valuations to be taken in the present day. Reference had been made by an hon. member (Mr. S. Rice) to what he called other usurpations by the clergy upon the four-fold division of the tithes. But then the law and the circumstances of society had materially altered. The poor were entitled to the *quarta pars* of tithes; and he was aware that the statute of Richard II. sought to secure the appropriation of the fourth part to that object: but that law had long since fallen into disuse. The poor were maintained by the poor-rates; to the payments of which the agricultural property and the tithes were mainly chargeable. But if the law had not fallen into disuse by this method, the claim of the poor to the fourth must have been void, because the Reformation brought with it to the clergy the right of marrying; and that implied *ex necessitate* the duty of providing for their families. Upon the whole, therefore he could not think it safe to entertain this proposition.

Mr. Hume said, that the two Secretaries of

State had not treated this subject with their usual candour. They had each of them treated the proposition of his right hon. friend as one equally inconsistent with law and justice. But instead of going on to prove so serious an allegation, they attempted to bewilder the house with fears of innovation and infringement on property generally. Now, according to the law and the general practice of the constitution, the right to the first fruits was perfect in Henry VIII. He gave away a portion of them to laymen, and he retained another portion which was to be administered by others for him, in the fulfilment of a certain ascertained purpose. The question of right then was reduced to this—Had the crown in any subsequent reign surrendered this right to the clergy? If that had not taken place in any instance, had not parliament a right to inquire whether the conditions of building and repairing churches, and the other services to which first fruits were then made applicable, had been observed or not? It appeared that there had been valuations from the year 1609 almost to the present time. If certain funds had been appropriated and set apart for the purpose of erecting churches, and if those funds had been applied to other purposes, should not the house interfere to effect a proper application of the public money? It was quite clear to every impartial man who heard the statement of the hon. bart. who introduced the motion, that the funds arising from the first fruits in Ireland had not been applied to their original purpose. The house was told that the motion of the right hon. bart. was an attack on the church property of Ireland. It was true that such was the case; but the attack was fair, because the funds in the control of that church, and which were given for useful purposes, had not been applied according to those purposes for which they were originally granted. The right hon. Secretary (Goulburn) had stated, that this principle would apply equally to the church property of England. If it did, that church should be dealt with accordingly; but surely a more preposterous defence had never been attempted. The right hon. gent.'s speech was merely an attempt to protect the church property of Ireland, and to continue and uphold the abuses which at present existed. It was certainly true, that within the last three or four years the character of the Irish clergy had been considerably improved; but it was owing to the discussions in that house; and much more remained to be done, before the Church of Ireland would be on a proper footing. With respect to the argument, that it might as well be said, that soldiers should build and repair their barracks, as that the clergy should be required to repair and build their churches, there was no similitude between the two cases: was any part of the pay of soldiers given them for any such purpose? In the case of the clergy, nothing more was asked than that a fund set apart for a certain purpose should be applied to that purpose. The hon. gent. here quoted several opinions in support of the view which he had taken of the question; and he also read passages from the correspondence of the late and present Secretary for Ireland on the subject of first fruits. It had been stated by Mr. Alley that the power of making a new valuation rested with the crown; and if that opinion were to be relied upon, there could not be a better opportunity than the present for exercising that power; for he



was certain that there never was a case so clear and satisfactory as that which was laid before the house, this night, by the right hon. bart. who introduced the present motion. It was deeply to be regretted that the same liberal line of policy which had marked the proceedings of his Majesty's ministers on other occasions was not visible on the present question.

Sir J. Newport replied. The question, he said, had come to this—was the house prepared to add to the revenues of the Irish church, by permitting it to apportion to its uses a fund which had been granted by the state for other purposes? He would always stand up in support of the Irish church; he would protect its interests to the last, although he feared he should not always be seconded by his brethren around him. He had proved his sincerity to the Irish church by wishing to have it cleared of its abuses (hear, hear). Had the Irish Clergy done their duty by repairing from time to time the several churches within their jurisdiction, they need not have called upon their parishioners and persons of a different persuasion to defray those expenses which should be paid by the fund originally granted for the purpose.—He concluded by stating his determination, if he failed in carrying the present motion, of bringing forward the question again and again.

The house then divided, when there appeared—For the motion, 21—Against it, 48—Majority, 27.

### Church-Rates.

THURSDAY, FEB. 16.—Sir John Newport rose to propose a series of resolutions regarding the levy of church-rates in Ireland. He said it was in the recollection of the house that he had last year called their attention to the manner in which the Irish parochial rates were collected, and to the abuses which were so apparent in every part of their details. Having been on that occasion so fortunate as to obtain almost the unanimous assent of the house to the bill he had introduced, he was afterwards much surprised to find, that in another house the principal clauses which regulated the adequate control of the local expenditure were struck out. It was doubly incumbent upon the house to guard the Irish public from the great abuses of this system, because a very considerable portion of the persons who had to pay these church-rates, were by law disentitled from taking any part in the proceedings of the vestries in which they were imposed. Besides this, payments were made out of these rates, not only without the authority of law, but in a direct defiance of it: for instance, salaries were augmented contrary to the statutory provisions, which controlled and limited their amount in the most specific manner. The object of his bill was to provide that when any parishioner had just reason to complain of the injustice and inequality of the rate levied upon him, he was not to be left, as he now was, without a remedy; but was to have the power of appeal to the next quarter-sessions. This redress was easy and simple, as well as quite analogous to the general practice in similar cases. In order that the house might understand the manner in which the power of raising sums for the uses of religion was diverted from its legitimate purposes.

he would state a few examples of the abuses which prevailed on this subject. The law had expressly provided a particular sum for the salary of the parish-clerk; where his attendance was only required one day in the week, his remuneration was not to exceed 10*l.* a year. But in two-thirds of the parishes throughout Ireland, more than 20*l.* or 30*l.* was the salary paid to the clerk, and often much higher sums. Every species of extravagant expenditure was supported out of these rates. In one parish 430*l.* was paid to build a house for the parish-clerk and sexton (hear). No parish in England would, he was convinced, have tolerated so scandalous an exaction (hear). And yet this was done in Ireland, where the great bulk of the people were not of the established church, and could not take the least part in the vestries which taxed them. In some parishes places were contrived which ought never to have been sanctioned. There was, for instance, the organist's attendant (a laugh), and the tuner of the organ. In others there were people anxious to promote the Hibernian Bible Society, and in Raphoe they voted 10*l.* for this purpose; and this, be it remembered, was to come out of the pockets of the Catholic peasantry, for the use of a society avowedly established to make proselytes to the Protestant faith. In one place—and he regretted the circumstance, because it reflected on high dignitaries of the church—a tax was made to repair the bishop's throne, to provide a clothes-horse for his closet, and brushes, and indeed every species of article for the toilette of a finished gentleman (a laugh). In another parish, in Dublin, a sum of 100 guineas was voted out of the rates, to purchase a piece of plate for the curate. Fifty pounds was also voted to the parish-clerk, and the same to the vestry-clerk, which was more than double the amount authorized by law. In one parish, in the course of 10 years, the organist received more than 850*l.*, and the bellows-blower was also a pensioner: he had 15*l.* a-year; and there was a vestry-maid at 20*l.* besides three servants to attend the church. In one of the returns there was a remarkable *nota bene*, which he would read to the house. It was this:—“*Nota bene*, no access to the church or churchyard, for man or horse, but by climbing over two or three walls.” From this it appeared that access to the church was not considered at all material: so the money was levied, the only object in view was attained. In many instances, palpable modes were taken to evade the law which limited the amount of salary to the clerk; he was first paid for his clerkship 20*l.* then they gave him 20 guineas for singing, 30 guineas for instructing the boys, 20 guineas for teaching the girls, and 20 guineas more for extra services (a laugh). So that the salary was raised to 120*l.* and 140*l.* a-year. Then large sums were required for the use of pews. In one instance, a lady had paid 14*l.* or 15*l.*, and in another, seven guineas. He understood the Government meant to bring forward some corrective: if so, he should gladly leave the matter in their hands. It was but justice to some parties to state, that in two or three parishes so sensible were respectable members of the established church of the injustice of taxing the Catholic population in this way, that they defrayed themselves the salary of the clerk; and a rector and his incumbent were considerate enough to defray the charge of the sacramental

bread and wine, instead of taxing their Catholic parishioners for such a purpose.—He concluded by moving a series of resolutions, declaratory of the prevailing abuses in levying church-rates in Ireland, and proposing the remedy of appeal to the quarter-sessions.

Lord Althorp was anxious, before the subject was further discussed, to obtain some information from the *rt. hon. gent.* (Mr. Goulburn) respecting the intended measures of the Government touching Irish affairs. It was stated in the King's speech, that measures were under consideration, arising out of the inquiry which had been conducted last session into the state of Ireland. He now wished to know what were those measures.

Mr. Goulburn professed his readiness to give the information required by the noble lord, before he made any observations upon the speech of the *rt. hon. bart.* (hear). He would state generally the measures which he intended to introduce in the course of the present session, arising out of the labours of last year's committee; and, perhaps, it would be convenient were he to state them in the order in which they had been noticed by the committee. With respect to the first question he had the satisfaction to communicate, that the Tithe Composition bill had been, within the last year, brought into general operation in Ireland, and had produced effects not only equal, but far surpassing his most sanguine anticipations (hear, hear). It was, therefore, most desirable not to interfere with that measure. A year ago there had been effected only 259 tithe compositions; but since the last session he was happy to say, the number had increased to 676, more than a fourth of all the parishes in the country (hear, hear). One fact would show strongly the operation of the bill, and it was this—that the assistant barrister for the county of Cork had informed him that the business of his court had declined one-half, owing to the absence of tithe causes (hear). The next measure in order, but he would revert to it last, was the mode of collecting and applying the church-rates; and the constitution of the vestries. Then followed the constitution and proceedings of the manorial courts. This subject had been under the consideration of the Lord Lieutenant, and a measure was about to be introduced, to remedy and correct the practices of these courts, and obviate their abuses. The next matter was the legal right of admission to the freedom of corporations; and he meant to propose a measure to remove the delays, which at present occurred in establishing these corporate rights. Respecting the laws which related to grand juries, and the manner of levying their presentments, he could not say that he was at this moment prepared with any measure; at the same time that it was to be understood the attention of the Irish government was not withdrawn from that subject. But the very great magnitude of the question—the difficulties with which it was beset—the long period of existence of the present practice, such as it was, rendered it most difficult to grapple with the subject, and he thought it much better not to tamper partially with it. On the relation of landlord and tenant, it was his intention to submit in an amended form the bill which he had introduced in the last session. As to the church-rates, the chief object of the Irish Government was to ascertain what the law was, and to collect and consolidate the whole of the acts on this subject into one, and in that

one to introduce clauses for the removal of many of the grievances complained of. It was his wish that this measure should have been introduced at an earlier period; but the pressure of other and more important affairs had rendered it necessary to postpone it for some time. He could assure the *rt. hon. bart.* that he did not mean to defend the abuses which were exhibited in the local returns respecting church-rates, some of which had almost unavoidably grown out of the system on which public business had been carried on for a long time past. But in looking at the irregular charges which it appeared had been made in vestries, it would be found that they did not all bear against the Roman Catholics. On the contrary, many of those charges were made for the benefit of the Roman Catholics themselves. Some charges were for building, or assisting to build, Roman Catholic chapels, and for other purposes connected with the Catholics; which showed, that though many of the items of these assessments were irregular, they were not voted with any feeling hostile to the interests of the Roman Catholics. He would agree that the assessments in future should be limited. He intended to introduce a bill on this subject in a short time, and he therefore hoped the *rt. hon. bart.* would withdraw his motion and give him an opportunity of submitting the bill.—Observing that the *right hon. bart.* did not seem disposed to withdraw his motion, he moved as an amendment to it, “That leave be given to bring in a bill to consolidate and amend the laws which regulate the levy and application of church-rates in Ireland.”

Sir R. Inglis supported the amendment. He concurred in believing that irregularities existed in the mode of assessing church-rates in Ireland, and in their application in many instances; but he thought it was unfair to say that all such had been oppressive to the Roman Catholic inhabitants. He proceeded to cite a variety of cases, in which various sums had been voted in vestries for the building and repairing of Roman Catholic chapels, and for assistance to Roman Catholic priests. In one of the returns, there was an item of a certain sum in the church-rate, which it was stated had been applied as rewards for killing foxes. This, to be sure, was rather curious as a church-rate; but after it had continued four or five years, it was changed for another, by which £2l. 15s. was voted for adding a gallery to a Roman Catholic chapel. There had also been very large subscriptions for similar purposes from several Protestant noblemen and gentlemen in different parts of Ireland. It was not correct to say that Roman Catholics were in all cases excluded from vestries; for in one parish, where the number who generally attended the vestry was from 60 to 100, it consisted of Catholics as well as Protestants. It did not appear that the votes were counted, because (as the return stated) they were so unanimous that they had never come to a division on any subject. As to the amount of the assessments for church-rates, the house would judge of its pressure when he said that in some places it amounted to one farthing per acre, in others to 3d., and from that to 6d. per acre; and in no case (except one, in which it was 1s. 3d.) had he known it to exceed 8d. Let this rate be compared with that to which in some instances the building of Roman Catholic chapels amount-

rd. It appeared from the testimony of a highly respectable Roman Catholic priest, that in one case the building of a Catholic chapel had come to 6s. an acre, and in another to 12s. Looking at the whole of the evidence before them, he thought there was no ground for saying that the irregularities of the vestry assessments always pressed with severity on the Roman Catholics; at the same time he would willingly give his support to any measure by which those irregularities might be corrected; and he hoped the bill to be introduced by his rt. hon. friend would have that effect.—After some further conversation, which see *ante* (p. 32), the amendment was carried.

FRIDAY, APRIL 21.—Mr. Goulburn having moved that the Church-Rates' bill be re-committed,

Mr. Spring Rice proposed, that it be an instruction to the committee to receive a clause, empowering the Protestant parishioners in vestry assembled, to assess their respective parishes, in certain limited sums, towards building, enlarging, and repairing Presbyterian Meeting Houses and Roman Catholic Chapels. In asking for this power, he was requiring nothing new. His object was to introduce a legal mode of procedure in vestries, and to authorise the distribution of sums which were not allowed to be distributed now. As a proof that his proposition was not a novelty, he might state, that assistance had been afforded to the Roman Catholics by individual subscription; and not only so, but that even local assessments had been, in some instances, imposed for the same purpose. Among the entries of the proceedings of a vestry in the diocese of Dromore, was one to the following effect:—"That a sum of 130l. was mentioned as a contribution voted at a vestry in aid of the Roman Catholics of the parish, without a dissentient voice, and agreed to by the churchwardens and others, as an acknowledgment of the liberality of the Roman Catholic parishioners towards defraying the expenses of repairing the Protestant church." That entry was made by Protestants themselves. If the committee had the same feeling which was expressed in that entry, they would adopt the clause he now proposed; the more especially, as it introduced no new practice, but merely went to legalise one which had long been known and introduced into that country, and from which nothing but benefit could result. No one could doubt that religion was not confined to one sect. For himself, he wished that the state of society was such, that one place of worship and one ritual were agreed on by all men; but as that could not be the case, he thought it must be the interest of society at large that every body should have some religion. Those who had seen what he had in Ireland—the numerous churches of the Protestants—and had compared them with the wretched hovels in which the Catholics were compelled to assemble, or around which they were often obliged to meet, exposed to all the inclemencies of the weather, would allow that such a system ought not to continue. He was glad to say, that, with regard to the Catholics, the Presbyterians of the north entertained this feeling. He had in his possession a letter from them, in which they expressed a wish that they might not be deprived of the benefits of

the present good-will existing among the religious sects of their country, but that the spirit of universal good fellowship might be encouraged. This proposition would not give the Roman Catholics the right of voting away money; the control of which would still be vested in the Protestant vestries. If the clause he now proposed was rejected, he should certainly propose another; the effect of which would be to throw the burden of the church-rates on the lessors of land, in the same manner as the tithes.

Mr. Goulburn said, that he could not see the propriety of directing the assessment required in favour of the Catholic churches, unless the house were to be consistent, and to adopt the same principle with respect to Methodist chapels and meeting-houses. He would pass over all arguments relating to the compelling of the State to maintain any other religious meeting-houses than those established by law. He objected to the measure, on the ground of the impropriety of compelling Protestant vestries not to assess themselves, but to assess their parishioners in favour of an opposite sect. The former practice of vestries to make such assessments had been illegal, and their conduct had been often questioned. It was to correct the evil, which had grown to a great extent, that the present bill had been introduced; and it had proceeded with the concurrence of all who had ever taken any interest in the discussions upon the subject. The present bill took away no legal power whatever from the vestries—it deprived them only of a power which they had formerly assumed in violation of the law; but it left it to the discretion of individuals to subscribe what they might please for the purpose of building or repairing Catholic places of worship. The proposition of the hon. gent. (Mr. S. Rice) was unintelligible, and he should oppose the motion upon this ground, as the hon. gent.'s views could be better answered by the introduction of other words into the bill. The assessments by vestries for the support of the established church were compulsory; but there was a legal appeal against the rate in favour of those who thought themselves aggrieved by the imposition. The proposition of the hon. gent. was, to make the assessment voluntary on the part of vestries; and it would be impossible to give any right of legal appeal against the degree of charity or liberality which a vestry might think itself bound to bestow upon their Catholic neighbours. There could be no legal appeal against a voluntary assessment.

Sir John Newport said, that he was always in favour of a reciprocity of benevolence. The Catholics were called upon to contribute to the support of the churches of the establishment; and if the present proposition were to be acceded to, it would be only giving them back a part of their own. The Protestant vestries in Ireland now assessed the Catholics, in order to make presentations of plate, and sums of money, to persons connected with the establishment and to juries; and where could be the evil of their taxing their Protestant brethren, in order to bestow the benefit of places of worship upon the Catholics? The rt. hon. Sec. (Goulburn) objected to the vestries taxing the majority of their fellow-parishioners in favour of the Catholics, but did he object to the vestries taxing the majority of the Catholics in favour of the



Protestants? In Drogheda, the Catholics had been taxed by a Protestant vestry, for the object of procuring a house for a Protestant clerk and sexton. If the present proposition were not acceded to, he should give his support to what his hon. friend had pledged himself to bring forward—to make the present tax obligatory on the proprietors of land, and not upon their tenants (hear, hear).

Mr. Peel agreed, as fully as any man in the house could do, that it was a monstrous abuse that any Protestant vestry should have the power of taxing a Catholic parish one jot beyond the limit which was strictly legal and necessary. The cases of charges for wine, houses provided for parish clerks and sextons, &c. were impositions of the most gross and unjustifiable description. At the same time, he took it to be a feature most essential in a measure like the present, that it should define, as precisely as possible, the charges which might properly be made. This was a course which would be desirable in any country; but in Ireland there would be no getting on without it. Nor would he agree for a moment in the propriety of empowering any vestry to assess a parish for the maintenance of Catholic, or any other modes or places of worship, which were contrary to the established church. The fact was, that this proposition was meant for the benefit of the Catholics; and the including the Presbyterians in it, was little else than colourable. It was well known that the Presbyterians wanted no such assistance as this; that they were in the habit of supporting the forms and charges of their own modes of worship, and that they were competent to do so; and besides—why were the Presbyterians to be provided for rather than any other class of the dissenters from the established church? Why were the Presbyterians to have an advantage which was not given the Quakers or the Wesleyan Methodists? Those sects, which already maintained their own places of worship, and contributed to those of the established church, would think it somewhat unjust if they were called upon to pay for a third system, and one directly opposed to that which they professed.

After a few words from Mr. S. Rice, the house divided; when the numbers were—

For the motion, 25—Against it, 60—Majority, 35.

The house then went into a committee on the bill, when

Sir John Newport moved a clause, repealing so much of the act of the 4th Geo. IV. as related to the repairs of the church of an adjoining parish, where two parishes were united; the one having a parish church, the other being without one. When this was the case, it could easily be conceived that the parish in which the church had been suffered to fall into decay, had few if any Protestant inhabitants; and it was a great hardship to call on the Roman Catholic population to contribute to the repairs of the church in the adjoining parish.

Mr. Peel observed, that it would be a much greater hardship on the Catholic population, if, when a church had fallen into decay, the diocesan directed a new church to be built, instead of having the necessary repairs done to a church in the adjoining parish, that church being sufficient for the accommodation of both parishes.

Mr. S. Rice observed, that if the diocesan had such a power, then the question was at an

end; but he denied that any such power existed.

Sir J. Newport said, the evil was one of very great magnitude. He knew an instance where two parishes were united, in one of which there were no Protestants, except those who lived at the police station; and yet the Roman Catholic inhabitants were called on to pay for the repairs of the church in the adjoining parish, though it was five miles distant. The whole of this evil arose out of the conduct of the Protestant hierarchy of Ireland, who, in the course of 200 years, had allowed all the churches to tumble down; and they now called on the Roman Catholics to make good those dilapidations which their own neglect had occasioned. He very much regretted to see a question of such importance as the church-rates of Ireland treated with so much indifference by the house.

The clause was negatived without a division.

On the clause in the bill, which gave power to vestries to assess the different parishes for the sum necessary to defray various expenses connected with Protestant churches,

Sir J. Newport rose, and objected to the power thus given. So long as the Protestant corporations were obliged to find the necessary funds, the charge had been comparatively moderate; but when that charge was extended to the Catholic population, it had been increased. He would ask, whether it was just that the Catholic population should be called on to pay for the sacramental bread and wine used in the Protestant church, at the very same time that their dissent from the doctrines of that church occasioned their exclusion from political rights?

The clause was then agreed to, and the report ordered to be brought up on Tuesday.

THURSDAY, APRIL 27.—The report of the Irish Church-rate bill was brought up, read, and the amendments agreed to.

Mr. Grattan proposed a clause for authorizing an assessment for the benefit of the poor and infirm in Ireland.

Mr. J. Smith complained of the want of attention to the people of Ireland. Not only had nothing been done for Ireland, but nothing had been attempted to be done. The distress of the lower classes in Ireland had driven shoals of them to this country, to the prejudice of the working classes here. Some of those Irish had perished, and he had witnessed the misery of others.

Mr. Goulburn opposed the clause, on the ground that it was impolitic to introduce a system of poor-rates in Ireland. With respect to the remarks of the hon. member (Mr. S. Rice) he would recommend him to look at the conduct of the Irish Government; at its efforts to relieve the pressure of temporary distress, and the general administration of the country.

Mr. Monck thought the clause to be of great importance to the Irish people. There was nothing new in its principle, for the acts of the 11th and 12th Geo. III. did make a compulsory provision for the poor of Ireland. In Ireland, without general poor laws, there was not only extensive poverty, but a more dense population. In England, where poor-laws existed, there was not the same injurious proportion of either.

Mr. Dawson opposed the clause, believing it

of vital importance to prevent the introduction of the principle of the poor-laws into Ireland.

The clause was rejected, and the bill ordered to be read a third time on Monday next.

### *Episcopal Unions.*

LORDS, THURSDAY, MARCH 9.—The Earl of Kingston had hoped that this subject would have been taken up by one of the learned prelates, to whose province it more particularly belonged. From the reports upon their lordships' table it appeared that a vast number of unions of parishes had taken place in the province of Munster, not such unions as that of seven religious houses in the city of Cork, which altogether did not extend over half a mile; but of large parishes, extending to a distance of fifteen miles. In one large union, there was only one church, and that same church had been built by a private individual, the ancestor of the present Lord Masey, by whom it was now supported. In the province of Munster, their lordships would find instances of six, seven, and eight parishes united together, with but one church amongst them. Now it was impossible for people to remain of the Protestant religion in a place where they had no church to attend, and where they could not even procure the attendance of a clergyman in cases of emergency. He had been told, that no curate had been seen in the parish of Kilbennie for several years, and the inhabitants were therefore obliged, when they required the performance of any religious office, to send to the rector of another parish five or six miles off. He did not mean by making these observations, to say any thing disrespectful of the clergy. Undoubtedly they had done much: many churches had been built, but they had not funds to build all that were necessary. In moving, therefore, for a committee to consider the present state of the church in Munster, he was rather addressing himself to his Majesty's ministers for the purpose of calling their attention to the subject, and in the hope of inducing them to furnish the clergy with the means of building churches, and perpetuating the established religion. The piety and zeal of the Roman Catholic clergymen in that part of the country were truly praiseworthy; they attended their flocks with the most exemplary attention, while the Protestant inhabitants had no person to attend to their spiritual wants. The noble earl, after referring to the reports before the house, for the number of unions in the dioceses of Cashel, and Limerick, Ardfert, and Aghadoe, concluded by moving for a committee to inquire into the state of the Protestant church in Munster: in Ulster, he said, there was a church in every parish.

The Earl of Harrowby said, that the noble lord had no grounds for inducing the house to accede to his motion. In the report which he held in his hand, he had a complete answer to his observations. He (Lord Harrowby) admitted that the union of parishes was sometimes productive of inconvenience: but not where they had been effected under episcopal authority. Government, however, had not been inensible of the evils complained of by the noble lord. In the twenty years preceding 1822, 170 churches and 102 glebe-houses were built in the province of Munster. In the absence,

therefore, of all information which would justify them in so doing, the house ought not to agree to a motion which was calculated to throw a slur on the bishops of that part of the country to which it referred.

The Bishop of Ferns bespoke the indulgence of the house (as he was unaccustomed to deliver his sentiments in public) whilst he said a few words, as the clerical representative of that part of the kingdom alluded to. As he had none of his brethren to assist him, and the notice of the motion had been so short, he hoped the house would treat the cause with indulgence, in consideration of the weakness of the advocate. He believed that the report before the house contained returns of all the unions in Ireland, with the authorities by which they had been formed. The actual shape and extent of the different parishes were also proved by the documents upon the table. Now the number of acres which a parish contained was by no means an accurate criterion for measuring the difficulties which the clergyman had to contend with in the discharge of his duty. As, for instance, a parish containing 1000 acres might not oblige him to travel more than two miles to see the most remote inhabitant of it; whilst another parish of a much less number of acres might be so shaped as to occasion him to go three or four times that distance. One parish, he knew, was several miles in length and only three quarters of a mile in breadth. His lordship instanced several cases to show that some of the united parishes were extremely poor, and returned nothing to the rectors after paying their curates. He contended that in consequence of the poverty of some of the parishes, the dissolution of the unions would be attended with the greatest inconvenience, and that the better mode of remedying the evils complained of would be by building chapels of ease in those places where churches were wanting. His lordship concluded by expressing his conviction that the survey at present going on in Ireland would furnish his Majesty's Government with the best information as to what measures they ought to adopt with regard to this subject.

The Earl of Kingston, in reply, insisted that he had made out a case in support of his motion, and that the circumstances stated by the right rev. prelate proved it. He mentioned a district in the south of Ireland through which one might travel along the high-road for a distance of 22 miles without seeing a single church. Although, however, he was satisfied that he had fully made out a case, yet as his object in bringing forward his motion was merely to point the attention of the learned prelates to the subject, he was willing to abstain from pressing it.

His lordship accordingly withdrew his motion.

COMMONS. — Sir John Newport moved for leave to bring in a bill to prevent episcopal unions, and to restrain the power of granting dispensations for non-residence to clergymen in Ireland. The bill, he observed, would secure to the Irish people the residence of their clergy in the parishes to which they were attached, and would restrain archbishops and bishops from making unions of parishes for the purpose of providing for some of their friends in the church. The extent to



which this power was carried would surprise the house. There was one instance in which a bishop had united six parishes in one county with one situated in another, so that it was certain the clergyman could not be a resident where the might be most required. He would mention only another case, that a parish producing an income of 500*l.* a year, had been united to another of 288*l.*, and these two to a third of 271*l.*, and these three to a fourth of 720*l.*, and these four to a fifth, the income of which was not specified, but which was said to be equal in amount to the largest of the others (hear). Was it, he would ask, right that such a power should be allowed to be exercised without restraint? Was it right that church property to such an amount should be accumulated in the person of one clergyman, while so many excellent and deserving curates were left without that fair provision to which they were entitled? The bill which he proposed to introduce would also go to prevent clergymen having the cure of souls, and deriving an income of 300*l.* a year and upwards from the living, from holding any other living at the same time; and further it would enact, that any person already holding such living, and being presented to another of higher value, should give up the former.

Mr. Goulburn said, that he had prepared a measure on the subject, to which the *rt. hon. bart.* referred; and was glad to find that in some of the points he had the concurrence of the *rt. hon. bart.* But he did not wish to be understood as intending to support the proposition which related to pluralities.

Leave was given to bring in the bill.

**LORDS, FRIDAY, MAY 17.**—The Bishop of Ferns moved for a return of the value of parochial livings in Ireland. The object of making this motion was for the purpose of showing that the incomes of the Irish clergy had been grossly overrated; for, from a calculation he had made, he found that they did not exceed on the average 258*l.* per annum.

Lord Clifden recommended to the *rt. rev.* prelate to include in his motion a return of the number of Protestants in each parish. By doing so, the house would be made at once acquainted with the revenue of the church, and the amount of its flock.

The Bishop of Ferns was not aware of any means by which such a return could be made.

Lord Clifden thought it might be obtained from the same persons who made returns of the number of Catholics. At any rate, it would not be a very laborious task for any person to make out a return of the number of Protestants in each parish of Ireland, especially in the provinces of Connaught, Leinster, and Munster; and it even would not be found very difficult to make out a list of all the Church of Ireland Protestants in the Presbyterian provinces of Ulster.

The motion was agreed to.

### Education.

**COMMONS, FRIDAY, APRIL 14.**—Mr. J. Smith presented a petition from the Catholics of Ireland, which was adopted at a large aggregate meeting, and he must conclude that it represented the opinions of that

body of the people, because the meeting was attended by several thousands. The petitioners complained that the education of the poor was not attended to of late years. Before the reformation, the lands of the clergy were chargeable with the expense of educating the poor. Since that time a portion of them had been partially educated at the expense of the Catholic body, the rest not at all. The petitioners objected to the course recommended by the commissioners of Irish education, namely, that Catholics and Protestants should be educated in the same schools, and that the schoolmaster should be chosen from the religion professed by the majority. The Catholics could not teach from any book unless approved of by their bishops, and it was certainly improper to force on them books to which they objected. The petitioners, indeed, complained that the house granted money to societies whose views were not those of education but of proselytism, and he was of opinion that some of those societies were particularly obnoxious to that charge. In France much less intolerance was exhibited, and by an edict of Louis XVIII. it had been directed, that no Jewish child should be compelled to read any book not approved of by the Jewish consistory. He lamented as much as any man the credulity and ignorance in which the greater part of the Catholic world was held; yet he contended that it was contrary to common sense and toleration to compel them to read the Scriptures. The education of the Irish poor ought to be allowed to proceed, if not in the way most pleasing to Parliament, in their own way. Something else, however, was wanting. Those who went upon religious missions into the utmost bounds of the East and West, took another course. They began by teaching civilization. They showed the savage how to plant corn and to breed poultry, and to secure the return of the fruits in their season. After conciliating them by kindness, they were able to go on prosperously with the culture of religion. The effect was, that they brought men of a rude and savage nature at their feet. In like manner, if we would convert Ireland, we must first subdue her by kindness. How could the rude and half barbarous people of that country understand the great moralities of a church establishment, to which they had only to contribute rates and pay tithes? They must rather feel exasperated at the riches of the establishment, and the poverty of their own clergy. Unfortunately, all circumstances conspired against the improvement of that people. In the examination instituted by the commissioners of education, a Captain Gordon was asked if he had not been active in proselytism? His answer was, certainly not. He only wished to see established veritable Christianity. He was then asked, concerning this and that particular sect, if he thought their belief veritable Christianity. His reply was, that he believed the Roman Catholic religion to be any thing but veritable Christianity. Thus the cause of religion and education sustained continual injury from the spirit of controversy. The petitioners prayed for a fair division of the money appropriated to Irish education by Parliament, and that they might be allowed to conduct that education in their own way. This he could not but consider as a very reasonable request, and a measure which promised to be safe and beneficial. Nothing was



so deplorable as that the people of Ireland should be educated. All the evils, all the commotions, riot, and bloodshed, which disgraced that country were owing to a deficiency of education. The same thing was observable in London. The outrages in the streets, the savageness and depravity which were so shocking to better informed people, which led the unhappy culprits to forfeit their lives to justice, were perpetrated by wretches who were reared in ignorance, and who never experienced offices of kindness or friendship from any human being. It was matter of authentic history, that religious education in England was once at so low an ebb, that it required assistance from Ireland, as it was most certainly true that Ireland first, of all these islands, received the light of the gospel. He strongly recommended the prayer of the petition to the house.

Mr. *Butterworth* said, that the liberal principles professed by the hon. gent. (Mr. J. Smith) might be applied to the disciples of Tom Paine as well as to the Catholics. Protestantism was interwoven with the frame of the British Constitution, and was inseparable from it. It was not the Irish people, but the Priests, that were adverse to scriptural education. Education was open for them, if they chose to read the Scriptures, and if they refused to send their children to school on these terms, they had no right to complain. Although no money were granted by the house for their education, they might find enough for the purpose among themselves. If they could afford to raise 1000l. per week for seditious purposes, they might easily find a sufficient sum for the education of their own poor. He desired gentlemen to compare the state of the population in Ireland and Scotland, and then consider, that the Scriptures were the basis of education in Scotland. The objection of the Catholics to the Societies was, that they conducted education upon the plan of the Church; but the Catholics had no right to complain of the refusal of money, by the state, to educate them in a religion which was contrary to the principles of Protestantism and the Church. As to proselytism, he knew no reason why the Societies should not openly avow that such was their object. It was a great moral duty to make proselytes to the truth. And with respect to French liberality, what had been the consequence of it? Why the revolution, and the ruin and destruction of the country. Mr. Gordon, who had been alluded to, was a most excellent character, who understood his duty, and acted accordingly. They ought not to allow the Bible to be thus assailed by a side-wind; but should openly avow, and act upon their principles. Popery was a system of errors accumulated on errors, and Parliament ought to do nothing to encourage such a system.

Mr. *W. Smith* differed almost wholly from the last speaker. No man could object more to the doctrines of the Roman Church than he did. He was a friend to truth, and to the inquiry by which alone it could be brought to light: but in selecting it for himself, he must take care not to assume the right of judging for others. It was this error on the part of Popery that led on the reformation, and to that Christian system which he was bound to admit contributed most to the well-being of society. The hon. member (Mr. *Butterworth*) had instanced the case of France as illustrative of the misery of  
 1825. 1826.

infidelity; but the present state of that country afforded any thing but a picture of internal wretchedness. He thought the hon. member was peculiarly unhappy in his illustration, and it was not correct to ascribe the revolution which had taken place in France, to any general feeling of infidelity that influenced the people of that country.

Mr. *G. Bankes* most earnestly desired to see the Scriptures promulgated throughout Ireland. He wished to see the Bible in the hands of the Irish peasant, and he denounced that intolerant spirit by which it was endeavoured to be withheld. The present state of Ireland he considered was owing to the bigotry of the Catholic priests, and the greatest disgrace in consequence was reflected on that body.

Colonel *Trench* said, that the hon. member (Mr. *Butterworth*) and those who advocated his principles had done considerable injury to the cause of truth by their injudicious and mischievous interference. It was wrong to attach to the Irish people a sweeping stigma of bigotry, and it was not true that they blindly followed their priests, for it was well known to those who had intercourse with Ireland, that a spirit of information had gone forth amongst the people; and were it not for priests and enthusiasts who kept down and denounced that spirit, Ireland would now reap the benefit of the increased improvement of her people. But for that mischievous society in Dublin, which took upon itself the government of the Irish people, the children of the peasantry would have had the advantages resulting from a liberal education.

Mr. *Maurice Fitzgerald* saw nothing in the petition under discussion which could at all warrant the extreme rancour displayed by the hon. member (Mr. *Butterworth*). A meddling set of sectarians had established themselves in Ireland, and set up a system of bigotry and intolerance, sowing the seeds of discord wherever they spread themselves, and sounding unnecessary alarm on the most trifling occasions (hear, hear). It was natural that the Catholic clergy should be aroused when they saw their rights invaded, and it was no wonder if they had endeavoured to counteract the influence of that meddling sect. The Catholic clergy, that much calumniated body, with their scanty means, had effected more towards the education of the Catholic population of Ireland than the state, with all its exuberant liberality, had accomplished for the various sects in that country (hear, hear). It was to the sectarians that the religious divisions of Ireland might be traced—those outrageous zealots, who wished to pull down Popery on the one hand, and by opposing episcopacy, the established religion on the other (hear, hear).

On the question that the petition do lie on the table,

Mr. *Butterworth*, after repeating some of his former arguments, observed that as long as the church of Ireland lay dormant, the Catholic priests were satisfied; but the moment it was attempted to give education, the priests rose up to oppose it, and in their efforts to follow up that opposition, they were the cause of all the mischiefs that occurred in Ireland. They intruded themselves into Bible meetings to which they were not invited, and were the occasion of much disturbance, on some occasions attended with no little danger to the promoters of such meetings. He could give one instance in which at a public Bible meeting at Carlow, the priests

attended supported by an immense mob, from whose violence some of the friends of the Bible Society were obliged to fly for their lives; some escaped by getting over walls (cries of no, no).

Mr. *Butterworth* :—" I say, yes, yes; and I can prove the fact, if required."

Sir *J. Newport* stated that the circumstances mentioned by the hon. member as connected with that meeting, were wholly without foundation (hear, hear); and he was enabled to contradict them on most excellent authority—that of Colonel Rochford, who presided at the meeting on the occasion. As to the assertion that the Catholics excluded the reading of the Bible, he confidently stated from his own knowledge that it was utterly destitute of truth. They admitted the reading of the Bible, with the addition of notes and comments; and in this they were borne out by the opinions of some of the most eminent dignitaries of the established church, who held that the Bible ought not to be read unaccompanied with the Catechism (hear, hear).

The petition was then ordered to lie upon the table.

TUESDAY, MARCH 7.—Sir *John Newport* moved for the production of an account of the application of sums granted in the last session for the furtherance of education in Ireland. He called the attention of the house to the extraordinary fact, that while taxes were annually imposed on the people to erect new seminaries of education in Ireland, the existing seminaries in that country were suffered to fall into complete decay. He particularly instanced the case of the school at Middleton, in the county of Cork. In the year 1812 the commission appointed in 1806 to examine into the state of education in Ireland, made a report upon the schools of private endowment. In that report it was stated that the school at Middleton was founded in 1696 by the Countess of Ormond, and that it was endowed by her with an estate of 2000 acres, which, within 20 years after she had made the endowment, was leased out for 200l. a-year by the trustees in whom she had vested it, on a lease of lives renewable for ever, at a fine certain. It was further stated that the estate was worth 2000l. a-year, and that the power of the trustees who had given the leases, to make such leases, appeared to the commissioners very questionable. The hon. bart. then read an extract from the report, in which were described the nature of the master and usher's duty, with the amount of their salaries, and also the number of exhibitions provided for the maintenance of scholars in the University of Dublin. The school, to which was attached a house for the master capable of holding 50 or 60 boarders, had formerly been attended by a large number of scholars, but at present it was without a roof, and in total ruin; the master had retired to Dublin, where he received his salary, and the house which he ought to have occupied was occupied by a sergeant of police. He wished to know how this had come to pass, considering that the endowed schools were placed under the care of the commissioners of education, who were authorized to ask for an advance of money out of the consolidated fund for the repair of such schools as wanted it, upon the security of their surplus rents. He was

greatly surprised at the decay into which this school had fallen, as Middleton was a healthy village, at a considerable distance from any large town, and admirably well adapted for all the purposes of education. He trusted that, whenever the house was called upon in future for grants of money for the furtherance of education in Ireland, it would take care that those grants were made after some settled plan, and would not defeat with one hand the bounty which it dealt out with the other. If it were intended to parcel out the grants in the same manner as they were parcelled out in the last session, he would certainly take the sense of the house on the subject, when the proper season for doing so should arrive. He was now going to move for an account of the application of all the sums granted in the last session. They had all been placed under the control of the Lord Lieutenant, by a clause in the appropriation act. There could therefore be no difficulty in procuring them. He concluded by moving that there be laid on the table of the house, an account of the application of sums in the last session for the furtherance of education in Ireland.

Mr. *Goulburn* was not able to state at that moment the ultimate determination of Government on the subject of education in Ireland. It must necessarily be influenced by the reports which the commissioners might make, and the plans they might recommend. As far as the Irish Government had yet had the plans of the commissioners before it, it had not been backward in carrying them into effect. On this head the house would observe that there was a considerable reduction in the estimates of this year, and he trusted that this reduction would be proceeded with in each succeeding year. With regard to the school at Middleton, he could only say that it never had been under his cognizance, and he could not give the house any further information on the subject. He was aware that at the time the commissioners of education made their report, that school was stated to be in an unsatisfactory condition; but as it was under the direction of private trustees and special governors, they considered it not to fall within the scope of their jurisdiction. With regard to the decay into which the school had fallen, he had to observe that the sum necessary to repair it was 2000l. Now, the surplus of the revenue of the school was 10l. a-year; and how was it possible that an advance of 2000l. out of the consolidated fund could be made upon the security of such a sum? A legal opinion had been taken as to the right of the trustees to grant the lease which they had granted; but it had not been such as to justify any interference to set it aside.

Mr. *F. Lewis* assured the house that the reports of the commissioners of education would all be presented by the time appointed, with the exception of the report on the College of Maynooth, which would be postponed for a year. Great, but, he trusted, not insuperable, difficulties opposed themselves to the plans which the commissioners had hitherto recommended. They had not yet abandoned those plans, and he still entertained hopes that they would be ultimately successful.

Mr. *Plunkett* said, that the Board of Commissioners thought the school of Middleton was not within their jurisdiction, as it was a private foundation, having governors of its own. He had known one master of the school, who was a



gentleman of great ability, and under his direction the school, he understood, was in a very flourishing condition. Since his time, it certainly had fallen into decay.

*Mr. Peel*:—If, as his rt. hon. friend (Mr. Plunkett) asserted, these schools of private foundation, either from the terms of the charter of their incorporation, or from any other cause, did not fall within the operation of the act of 1813, means should be immediately devised for subjecting them to an inquiry as rigid as that which might be extended to any school of public foundation, or under the immediate superintendence of the Government. It never could have been intended by the legislature, at the time that it authorised a commission to inquire into the state of schools of public foundation, that they should totally pass by schools erected by the grants of individuals, when those grants were manifestly intended for the public benefit. Still less could they have intended to pass by private foundations, where the income was stated at £20l. a-year, and leave the whole of that sum to the maintenance of a master, without any attention to the school-house and the scholars. If it was true, as had been stated, that the lands from which such incomes were derived amounted to the number of 2000 acres, which, if properly let, might bring 2000l. a-year, but, from long leases upon lives, produced only £20l. or 200l. a-year, he thought there was an additional reason why the power of inquiry should be immediately extended to schools of every description. And he saw no objection why the present commissioners should not be empowered to pursue that inquiry in the same manner into private schools, as they were already authorised to do in the case of those that were called public.

After a few words of explanation from Mr. Plunkett,

*Sir John Newport* replied, that the person through whose influence these leases had been granted, which cut down properties of 2000l. a-year to less than 200l. was a Mr. Allen Broderick, a distinguished member of both the Irish Houses of Parliament, and a brother of Lord Chancellor Middleton. The state of all the schools ought, in his opinion, to be made a matter of report, which might be laid on the table of the house.

*Mr. Goulburn* begged to observe, that the leases mentioned by the rt. hon. gent. had been made in the year 1710.—The motion was then acceded to.

### *Charter Schools.*

**LORDS, TUESDAY, MARCH 21.**—The Bishop of Ferns moved that there be laid before the house copies of all letters received from charter-schools in Ireland by the Secretary of the Incorporated Society of Dublin, and transmitted by him to the Commissioners of Education, since the year 1824.

*Lord King*:—A complaint had been made of cruelty against an usher of one of those schools. (at Stradbally) the consequence of which was, that he was dismissed from that school. He (Lord King) understood that this person was since promoted to another situation, and with a higher salary.

The Bishop of Ferns said, it was true that the person alluded to had been dismissed on a

charge of cruelty; but he would state the result of that charge. Three indictments had been preferred against him, which were tried the other day in Ireland, the jury being composed both of Catholics and Protestants. The accused was acquitted on the first and second indictments, and the third had been abandoned. With respect to his preferment to another school, he begged to state that there was a school where forty young men were instructed, which had been for some time without an usher. He was sent there, because in point of knowledge he was the most fit person, and where his disposition to cruelty could find no scope, as he was not commanding boys. There was a deadly charge against the managers of these schools for the neglect of religious education. The charge was, that out of a school of 20 boys, none had ever heard of St. Paul. Upon examination, however, these boys were found quite perfect in the Catechism, and in the explanation of it. The Catechism consisted of fifty pages and upwards, and in it there were thirty references to the Epistles of St. Paul by chapter and verse.

*Lord King* said, that as no notice had been given of the rt. rev. prelate's intention of touching on these subjects, he was not prepared to deny his statements. It had, however, been said that at one school of 20 boys, none had ever heard of St. Paul; and but two of Job; and in general they had but a very superficial knowledge of the Scriptures. He wished some day to be named for the discussion of the question\*.

The Bishop of Ferns said, there would be an opportunity for debate, when the report he had moved for was delivered.

**FRIDAY, MAY 5.**—The Bishop of Ferns moved the order of the day for taking the Report on the Chartered Schools of Ireland into consideration. His lordship then went on to give a history of the origin and the constitution of these Schools. The means resorted to for preventing the evils of ignorance were these:—Catechists were appointed to each parish, with power to superintend the schools in all their departments. Books were kept, and the masters entered every thing extraordinary in them. Attested copies of these entries were sent up to the Committee every half year. In these books every casual visitor was requested to write any alteration that might occur to him. If any charge was made against a master, it was examined, and if true, he was dismissed. But these charges were not frequent; and where they had been made, they had not always been supported. On the contrary, their attention was highly praiseworthy; and he had one entry of a visitor, who had given the highest praise to the order and regularity observable among the boys, and to the progress they had made in divine knowledge. Besides these books, there was a half list of the children in the school, headed with the business of each class, and carrying in each column the progress of each child during the preceding half year. There was also a yearly examination of the scholars by the Local Committee, and statements were made to the Secretary of the Incorporated Society of Dublin.—His lordship proceeded to allude to

\* On the several topics alluded to by Lord King and the Bishop of Ferns, see the volume of this work for 1825, pp. 273, 274.



the charge, respecting the treatment of some of the boys in one of the schools. It was stated, that eight boys had been punished in a shocking manner, and left in a lacerated state, and that this punishment had been produced by the malice of an usher. Yet, when these charges were brought before a Jury, out of the three bills presented, two were thrown out, and one was abandoned. The whole of this charge rested on the statement of two boys, one of whom, named Doyle, said, that the boy Best had committed a fault, but it was one that would not have been punished, if the master had not borne him malice, on account of a complaint he had made. Another boy, named Ludden, being asked whether he had heard of any thing which had happened to Best, in consequence of his having complained, answered distinctly, that he had not.—As to the charge of separating children from their parents, he was sorry to say, that that was frequently not an evil, though he might observe, that the majority were not cases of separation, since, out of the 923 petitions for admission into the schools, 662 were from orphans, or from children left only with a father. One-fourth of the children were Roman Catholics, and these were sent voluntarily, since it should be known, that although the doctrine of exclusion was a doctrine of the Roman Catholic Church, it was not a doctrine of all the individuals in that Church, and as they did not think they compromised the eternal safety of their children, they sent them thither.—The next allegation was that of the expence of these schools, which was said to have amounted to 1,000,000*l.*; and it was further said, that about 13,000 apprenticeships were all the advantages which Ireland had derived from that expence. Now that statement was not true, since these children had received the benefits of a religious education, which of course could not have been confined to them, but must have been extended to their families. He trusted he had stated enough to show that the Report of the Commissioners had been hastily drawn up, and that if more time had been devoted to receiving evidence on the subject, there would have been a different Report.

Lord King thought the *rt. rev. prelate* had failed in his vindication, and the rules enjoined the visitation of the schools each week; but it was alleged that that practice had fallen into disuse, and that monthly or quarterly visitations had been adopted. It appeared, however, that this could not be quite correct: for the sum of 2*l.* 10*s.* had been paid to each catechist who made his weekly report so late as 1821. But all the letters referred to by the *rt. rev. prelate* were only occasional. They were written once in nine months, once in ten, and in some cases there was no letter at all. The *rt. rev. prelate* was not satisfied with the report of the commissioners on these schools. He said it was easier to find statements in that report, than proofs in the evidence. The feeling of the *rt. rev. prelate* on this subject perhaps arose from his having spent a great part of his life in Ireland, but after residing some time here he would learn that it was no longer the fashion in this country to defend an extravagant and wasteful expenditure of the public money. More than 1,000,000*l.* had been expended on these schools. There was a very great difference between the church of Ireland and the church of England. The church of Ireland was a missionary church. The clergy of that church were bound by oath

to perform many duties, among which public instruction was a principal. The oath bound them to teach the English tongue, to keep or cause to be kept a school for teaching English to all under their government. It was not more true that the tithe belonged to the clergy, than that instruction belonged to the people. This duty of teaching was, however, attempted to be got rid of by a miserable subterfuge. It was said, that when the schools were founded, masters were to be got for 40*s.*, who could not be got at that rate any longer. But why not increase the salary of the masters in the same proportion as they increased their tithes? Since the schools were established the tithes had gone on increasing, but the wages of the teacher had stood still. This conduct, however, was not confined to the subalterns of the church, but extended to the spiritual staff, though it was more particularly their duty, as *ex-officio* members of the committee of fifteen, to see that the public money was properly applied. Out of thirty-four dioceses there were only ten proper schools. Of the remainder, three were deficient, and twenty-one had no schools at all. It was to be regretted that there appeared in Ireland too strong a disposition to protect all kinds of abuses. Thus, if the master of a school was complained of, it seemed to be considered that he had a vested right in the school, and could not be dispossessed. In some of these schools a sort of slave-labour was established for the benefit of the master. In the Sligo school the scholars were worked, not taught. False returns were also made to disguise the ages of the boys. Thus, it appeared from the report, that boys, stated to be one year fifteen, went back next year to fourteen; one of seventeen became sixteen; one stated to be fourteen became next year thirteen, and in the following year thirteen and a half. Some remained for several years stationary as to age. One boy had gone back from sixteen to fifteen and a half, and finally to fifteen. This was the school of which a *rev. person* spoke in a letter, in which he said, "the healthful appearance of the boys as they went to school on a Sunday morning was grateful to the heart of every one who saw them." In several schools the grossest ignorance prevailed. In one case twenty boys had never heard of St. Paul; others had never heard of Europe. He then alluded to the cruelties at Stradbally school, which had been mentioned on a former occasion. The *rt. rev. prelate* seemed to think that the result of the trial at law had cleared the parties from the imputation. He (*Lord King*) had once heard of a governor having been hanged for cruelty, and but once; but he had often heard of charges of cruelty made against captains of ships and slave-owners, in none of which could it ever be discovered that they were guilty. It was the same with the ushers of these schools; and he must say, that he attached as much credit to one as the other. The usher of Stradbally had been displaced on a charge being made against him, and he had had the unparalleled impudence, in writing to the committee of fifteen, to speak of "a Mr. Leslie Foster," well knowing, no doubt, from the character of that Board, he should be protected, and not punished. What did they do? Why, they actually appointed him to a better situation, and that before the trial; so that they could not have been actuated by the acquittal.

—The condition of the chartered schools had always been in a scandalous state. It appeared that Mr. Howard, in speaking of these charter-schools, talked of his dreadful situation, and that Mr. Disney resigned because he could do no good. The children of Catholics were taken from their parents merely for the purpose of making Protestants of them. That was the motive for delivering them over to these masters. The Irish clergy, who ought to be the guardians of the poor children, not only often neglected their duty, but acted in defiance and in contempt of the law. After the disclosure of so many abuses, he trusted that Parliament would not grant a shilling more for the support of these schools.

The Marquis of *Landowne* said, that it was quite clear that the catechists had grossly neglected their duty. No letters whatever had been received from many of the schools, and only occasional letters from others. The noble marquis read several passages from the papers before him, in support of the charges brought against the schools, and contended that there was not a single letter in those exculpatory documents that did not establish, to the fullest extent, the disgraceful statement of these abuses.

The Earl of *Darnley* (and Lord *Clifden*) strongly objected to the system of these schools, and deprecated the separation of children from their parents, for the purpose of educating them in a different religious persuasion.

The Bishop of *Bath and Wells* allowed that it was impossible to defend the gross abuses which existed in these charter schools. He trusted that the clergy in Ireland, and the guardians of those establishments, would in future look more carefully after their management; but he hoped, at the same time, that what had been proved that night would not be attended with any injury to the cause of education in Ireland; for there was no kingdom on the face of the earth where religious education was more wanted.

The subject was then dropped.

COMMONS, MONDAY, MARCH 20.—On the motion for a Committee on the Irish Estimates, "That the Speaker do leave the chair,"

Mr. *Spring Rice* opposed the motion, and objected to the votes for education in Ireland, upon the ground that they stood in direct opposition to the recommendation of the commissioners' report, and moved as an amendment "That this house concurs in the opinion expressed unanimously by the commissioners of education, appointed in 1826, in their 14th report, signed by the late Archbishops of Armagh, Cashel, the Bishop of Killala, the Provost of Trinity College, now Bishop of Feros, and others, 'that no general plan of education in Ireland, however wisely and unexceptionably contrived in other respects, can be carried into effectual execution, unless it be explicitly avowed and clearly understood as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or description of Christian.'"

Mr. *Goulburn* said, that in what Government had done it had merely followed up the suggestions of the Commissioners of Education. The lord lieutenant of Ireland had been most anxious that the experiment pointed out in the report of the Commissioners should be fairly

made; but he did not wish, while such an experiment was in progress, that the whole system of education which had been already acted on in Ireland should be removed; and the Lord Lieutenant's views had received the express sanction of the Commissioners themselves. When he last year brought the vote, for the Society for Educating the Poor in Ireland before the house, he only called for 22,000*l.*, because he thought it was proper not to call for any addition to the grant of the preceding year, until the report of the commissioners was laid before the house. That report was not made until after the period when the sum he had just mentioned was voted, and it then became necessary to supply the defect of that vote. With respect to the Kildare-street association, it was not intended that the expenditure of the present year should exceed that of the year preceding. He proposed to vote a certain estimated sum for that establishment, independent of the sum that would be required to assist, when necessary, in the building of the new schools. That sum was estimated at about 5000*l.*, which might be laid out in building schools, founded on the Kildare-street plan, or on the plan suggested by the commissioners, as might be deemed preferable. Whatever the feelings of the house might be with respect to the Kildare association, it ought not to be forgotten that it had, year after year, received the approbation of Parliament, though not without considerable resistance from some gentlemen who strenuously opposed the proceedings of that body. He could not expect that those gentlemen would agree to the present vote; but if it were rejected by the house generally, such a decision would either stigmatize those who had presided over the affairs of that society, as having neglected their duties, or it would give rise to an opinion, and a most dangerous opinion it would be, that that society was considered as having produced evil instead of good. Now, he would say, that since the Kildare-street Society was formed, its operation had been extremely beneficial, not only to Protestants, but to all classes of the community. Let gentlemen look at the state of education in Ireland before that time, and let them say, taking the whole subject into consideration, whether, since the institution of that association, great and substantial benefits had not been derived to every branch of society? It was not the mere number of children educated by that association that they were to look to; they were to recollect the great moral effects which had been produced all over the country. They ought to remember, that the books now read in the lower class of Irish schools were very different from those that were formerly used in those places. That society, he would also observe, was daily gaining ground, notwithstanding all the opposition which it had met with both here and in Ireland.

Mr. *F. Lewis* thought it right that the usual votes should be complied with, in order to keep the institutions in present operation. It was never the wish of the commissioners that the school establishments in Ireland should be put down; but there was one point connected with the education of the Irish, on which it was impossible to insist too much,—namely, the necessity of destroying the seeds of prejudice and jealousy, in order to induce cordiality and



good feeling between Protestant and Catholic. There was no one point which should be so strongly insisted on as this; and the only way in which that consummation could be effectually obtained was by affording separate religious instruction to the children professing different persuasions (hear, hear). An education which did not embrace religious instruction was of no avail, but it was proper that particular forms of religion should be respected. With this view, it was absurd to place the Bible in the hands of an Irish peasant as a book of instruction. It did nothing but mischief, and tended to defeat the object which it was meant to promote. The Catholic children were taught that the Bible was a Protestant book, and one which they should not read; and, under these circumstances, the forcing it upon them would only create, instead of removing, religious jealousies. Dr. Murray had stated, that the Testament should not be read without proper explanation, in order to explain its meaning; but the Protestant teachers said, "Read it, and take your religion out of it." This plan of forcing the Scriptures on the Catholic pupils must fail, because it was opposed to the feelings and prejudices of the people. Different classes should be selected in the schools, and each class should be instructed by its respective religious teacher (hear, hear). If there could be any means devised by which a proper union of education could be established, he should hail it as a measure of the greatest benefit to Ireland. The way to effect this, was to remove every cause of complaint, and to endeavour to soften the prejudices of the ignorant. The Irish were sore from the recollection of past times, and there were people enough in Ireland who were anxious to keep alive that soreness. The people in that country were suspicious of their neighbours. They herded together, and the animosities of the father was inherited by the son. Was it possible, therefore, that any other feeling but that of distrust should be excited when instruction was offered by those whom they were taught to look on with feelings by no means in unison with that cordial understanding by which all classes and all religions should be influenced? Not that he went the length of some who denied that the sum appropriated to the Kildare-street Society, for the purpose of educating a school of Catholic children, should be transferred, for the same purpose, to a committee of Catholics. Let the system of education be conducted by persons who were not partisans of any sect or creed. He did not say it in disrespect to the Catholics, but he should regret to see any fund placed exclusively in their hands for such a purpose. It would be one means of perpetuating those feelings of distrust and jealousy to which he had already alluded, and which even the heads of the Roman Catholic religion were unable to control.

Mr. M. Fitzgerald contended, that any scheme of education for Ireland must prove abortive if not pursued in accordance with the views of the Catholic clergy, where their flocks were concerned. This was evident from the returns which had been made for where the Kildare-street Society had with the aid of large grants, only educated some 30,000 or 50,000 Catholics, the latter had themselves, without any such grants, educated 340,000 of their community. In the first place, they must not insist upon having the

Scriptures used as a school-book, if they meant to have a union of Catholic and Protestant children in the same school, unless, indeed, they wished to diffuse polemical contention among the people. Besides, it was unnecessary; the Scriptures were not used in this way at the great public seminaries of England, and why should they be so in Ireland, where it was so peculiarly necessary that the religious instruction of children, of every denomination, should be kept as far as possible apart from their ordinary education, and left entirely to be communicated by the parents themselves? As to the general want of education among the lower classes in Ireland, he could assure the house, that in many parts of that country the people had themselves made great progress in acquiring knowledge. With the particular part he knew most of (Kerry), he could assert that the ragged boys who ran over the face of the country, might challenge, he would not say, out of courtesy, that house, but certainly they might the upper ranks of society in England, excluding the learned professions, and the blue stocking ladies, in a knowledge of algebra, Greek, and Latin. These boys he had himself frequently seen with their Homer, Cicero, Horace, and mathematical books, displaying the greatest proficiency. Lord Shelburne had on a former occasion very properly said, that it was not literary education which the people of Ireland wanted, but the diffusion of useful and practical habits.

Mr. Peel:—The real question was, first, under what principles education in Ireland should be superintended; and next, what was to be done with the existing establishments for that purpose, until better were formed? They were all agreed, he apprehended, that the best system would be one which worked under regular, permanent, and responsible parliamentary commissioners. As to the mode of education to be pursued, he was much disposed to agree in the opinion of Dr. Murray (the Catholic Archbishop of Dublin) that Protestants and Catholics might be educated together in one common school, provided each were left to receive religious instruction from their particular pastors. At the same time Dr. Murray very properly admitted, he saw no objection to such a compilation from the Scriptures for school purposes as would embody some of the great principles of their common faith, in which both Catholics and Protestants concurred. Then, as to the existing institutions for purposes of education, imperfect as they were, it would not be politic to take away from them all support before better were established. When he (Mr. Peel) was Secretary in Ireland, he had drawn up a bill to carry into effect a comprehensive system of education in that country under the superintendence of seven or eight able commissioners; and he was only diverted from his purpose by the opinion of other gentlemen connected with Ireland, and who were his political opponents, who dreaded the alarm that might be felt by the people, were their education to be managed by a Government board. Finding, however, that a society (the Kildare-street Society) was in existence composed of persons of all religions upon a comprehensive plan, Government had thought proper to select that society as the instrument for carrying into effect the recommendation in the 14th Report of the Commissioners of Education, which would have been the object of his bill,



had he pursued it. Now, whatever objections might have arisen to the proceedings of this society, it was on all hands admitted, that it had diffused to a great extent useful and valuable books among the community. The number of scholars they educated might be overrated; but there could be no mistake in the information they conveyed through the spreading of valuable books; but even as to the amount of scholars, take it at the *minimum* of Catholics mentioned, and at least to that amount they must be admitted to have done good. From the reports of the society respecting their circulation of books it appeared that in 1818 they had distributed of books, admitted upon all hands to be unobjectionable, 50,000 copies; in 1820, 123,000; in 1821, 153,000; in 1822, 185,000; in 1823, 106,000; in 1824, 191,000; and in the very last year, 172,816. He would implore hon. members therefore not to cast a stigma on a society which had done great service: which stigma, he thought, must be implied by affirming the proposed amendment. He did not know whether he correctly understood the right hon. gent. who spoke last, in supposing him to have expressed a wish that education should be conducted in Ireland without religious instruction. If that were his opinion, he (Mr. Peel) could not concur in it. He had no wish to see, and he hoped he never should see in this country, religious instruction omitted in the education of youth. He had no desire to see a set of young philosophers deriving their morality from any other than a religious source. Neither did he wish to see young ragged Irishmen walking through the country with Ciceros and Virgils under their arms, and studying those authors, when they might be more usefully engaged in acquiring an education more suited to their condition. He begged that the hon. member (Mr. Rice) would not press his amendment; for if that were the case, he had no alternative but to reject it, and he was extremely anxious that there should not appear to be any difference of opinion on this subject.

Sir J. Newport contended, that the amendment would not tend to cast any slur on the Kildare-street Society, because that institution professed not to interfere with the religious opinions of the children. The rt. hon. bart. proceeded to point out the great inconvenience which arose in some of the charity-schools from the want of a proper supply of books. A gentleman who visited one of those schools found a volume of *Roderick Random*, used by one of the boys as a school-book; and on inquiring why such a book was allowed, was told that the boys brought any book they could get, in which to learn to read.—With respect to the system of religious education, he could not see how any difficulty could arise, in allowing one day out of the six, for giving religious instruction to the children separately according to their respective creeds, and leaving them on the other days to receive general education in common. Looking at the principle in this light, he could see no evil as likely to result from the adoption of the amendment.

Mr. Butterworth said, that if the Bible was held to be a bad book, he thought it ought to be excluded from all schools; but if it was admitted to be a work of Divine inspiration, it was too much to assert, that any evil could arise to the country from its circulation. The hon. member proceeded to read a long string of re-

solutions entered into by some Catholic schoolmasters in Armagh and Monaghan, in which they approved of the circulation of the Scriptures among old and young, without note or comment; and mentioned the circulation of such Scriptures (the Roman Catholic version) by the Irish Society as one of the greatest boons which could be conferred on Ireland. These were also the sentiments of a large portion of the people of Ireland, and under those circumstances he thought that every encouragement should be given to those societies by which the Scriptures were so circulated. It was, however, to be regretted, that the Irish priests were opposed to the introduction of the Scriptures without note or comment. The sacred Scriptures—he spoke chiefly of the New Testament—were quite plain and easily understood, and he thought they might be safely intrusted into any hands without note or comment; and without them, it was the opinion of those best acquainted with Ireland, a strong moral feeling could not be impressed on the people of that country. The want of a moral and religious education among the lower orders had been complained of by many of the judicial authorities in Ireland. He would mention the instance of a learned judge, who in his charge to the grand jury of Cork, complained of the general prevalence of crime, and said that he was tired of condemning persons for crimes, without producing the effect of deterring others; but he feared any system of punishment would be ineffectual for that purpose, so long as the moral and religious instruction of the peasantry was neglected.—In conclusion, he observed, that he was sure the nation would never consent to any system of education not founded upon religious instruction; and he therefore would protest against the adoption of the amendment, which would seem to disconnect the two.

Mr. C. H. Hutchinson:—There was no objection on any side to religious instruction; the only objection was, to its being made a part of public education in Ireland, which it was not in England. The system of proselytism, on which it was attempted to conduct education in many instances in Ireland, would not succeed, and to the prevalence of that system might be traced the indisposition of the Catholics in so many cases to send their children to the public schools. As to the general education of the people, he would admit that a large body of them were yet in ignorance; but it was a most gross libel to charge that ignorance upon the Catholic clergy. The ignorance which existed was the effect of the long-continued misgovernment of that country. If the hon. member (Mr. Butterworth) wished to know why education was so much neglected in Ireland, he would refer him to the bloody and dark pages of her history (cheers). If education was deficient, he would ask the hon. member who it was that had impoverished and plundered Ireland, but the same class of persons who now came forward to educate the people under a vicious system (cheers). If he would turn over the records of that country, he would find that formerly it was death to a Catholic parent to send his child abroad to receive that education which was denied him at home (cheers). If the hon. member meant to assert that the Catholic priests neglected the education of their flocks, he would tell him, that it was a gross and scandalous libel. Neither was it true that the Catholic

priests denied their flocks the use of the Bible; but they say that in the Bible there are many things unfit to be put into the hands of youth, and therefore they will not allow them to peruse it without some guiding marks. They therefore put the Bible into the hands of their parishioners, accompanied by notes of the ablest commentators. The hon. member seemed to think that nothing more was necessary than that the Bible should be cast among the people, and that they would work out their own salvation. He held, apparently, every man to be a blockhead who could not do so; and if he found any thing struck a man with horror in the Bible, the hon. member considered him irredeemable. He could tell gentlemen opposite that no possible good could be effected for Ireland by connecting education with religion; and if they thought, by any side wind, that it was possible to undermine the Catholic religion, they would find themselves very much mistaken. The best way was, for the government not to interfere with religion, and allow the people to worship God after their own method.

The amendment was then withdrawn, and the Speaker left the chair.

Mr. Goulburn moved that the sum of 19,500*l.* should be granted to the Protestant charter schools in Ireland, without any fee or deduction whatsoever.

Mr. J. Smith objected to the grant, on account of the abuses which prevailed in the management of those schools.

Mr. Goulburn said that the vote was now reduced in order to provide for the gradual reduction of the number of scholars. Provision would also be made for the reform of abuses. The commissioners had indeed found considerable difficulty in getting rid of them, but it would be hard that the poor children should be turned adrift on this account. Prosecutions had already been instituted, and were now pending against several of the masters, and he conceived that the remedy would be best effected by submitting the conduct of the offenders to the public tribunals. Of course he could not (as the hon. member had called upon him to do) be responsible for the good conduct of all the schoolmasters in Ireland, but he would pledge himself to exert all his vigilance in detecting and bringing to punishment all future misconduct in these individuals.

Sir J. Newport complained of the great inactivity of the local committees, and observed, that during a period of nine months, they had not made a single report to the committee of fifteen. It was now more than seven months since the house had come to its resolutions respecting the abuses in these schools, and still not one single prosecution of any of the offenders had as yet been brought to a close. He could not, therefore, feel any great confidence that these malpractices would be abolished, when he saw those who were charged with having perpetrated them still continued in office.

Mr. Hume said, that this was a pretty specimen of the manner in which Ireland was governed, as also of the manner in which the extravagant grants for that country were applied. They were now called upon to vote grants which amounted altogether to 371,000*l.* for Irish charities. The greater part of these charities were placed under authorities which Government had no means of controlling; and

thus it happened that the grant of money to support them was, in general, a gross abuse of the funds of the public. In 1822 the aggregate of these votes was 322,000*l.*; and it had gone on increasing progressively from year to year, until it amounted at present to 371,000*l.* The amount of money voted to the charter schools in 1800, was taken upon the average vote of the three years preceding the Union. It was then 13,000*l.* In 1807 it had increased to 20,000*l.*; in 1813 to 30,000*l.*; in 1817 to 41,000*l.*; in 1818 it decreased considerably; but it had now raised itself again to 19,000*l.* The aggregate amount of the sums voted for these useless and mischievous schools, since the Union, was 732,568*l.*, independent of the funds which they derived from private estates—which, by the by, were so mismanaged, that they did not produce more at present than they did in 1796, though every man's private estate had trebled in value since that time. Those funds amounted to 183,000*l.*; so that, altogether, 916,000*l.* had been spent, in the course of twenty-five years, upon these idle and mischievous schools.

Mr. Monck could not see why these schools should be provided for out of the public funds, when similar schools in England and Scotland were provided for out of private funds. He would place a land-tax of 6*d.* or 9*d.* in the pound upon Irish landholders, for the purpose of supporting these charities; and he would do this the more readily, as the Irish gentry were less burdened by taxes (having neither poor-rate nor land-tax to pay) than the landholders of any other country.

Sir John Newport, on the suggestion of Mr. Hume, moved, as an amendment, that the money be granted to the Lord-Lieutenant, for the purpose of providing for the maintenance of these children, with due regard to the future reduction of the establishments themselves.

Mr. John Smith:—Conduct had been suffered to pass unnoticed in these schools, which had filled him with disgust and abhorrence. There had been a strange mismanagement of their funds, and gross corruption on the part of one of the secretaries belonging to them. He therefore thought that the house was called upon to mark the behaviour of the commissioners. The amendment just proposed seemed to cast a reflection upon them, which they well deserved; and for that reason he should give it his decided support.

Mr. Goulburn said that the persons employed in these schools had undoubtedly misconducted themselves; but contended that those who had employed them had not participated in that misconduct. He was averse to passing sentence upon the commissioners without giving them a fair trial; and for that reason he should certainly oppose the amendment.

The house then divided. For the original motion, 42—Against it, 19—Majority, 23.

Mr. S. Rice then objected to the grant of 9,000*l.* for the Society for Discountenancing Vice in Ireland.

Mr. Hume said, that since 1801 this vote had increased progressively from 300*l.* to the present amount. He, therefore, moved as an amendment, that 7980*l.* be substituted for the original vote.

The house divided. For the amendment, 11—Against it, 37—Majority, 26.

WEDNESDAY, MARCH 28.—Mr. *Goulburn* moved that the sum of 25,000l. be granted in aid of the society for promoting the education of the poor in Ireland, for 1826.

Mr. *Hume* complained that the committee, comprising several bishops of the Irish church, had allowed themselves to be made parties, at least, to the fabrication of untrue returns. It was not a little remarkable, and it ought to take away the confidence of the house, to observe the manner in which the returns had been made out. From some most unaccountable casualty in the numbers, it happened that in no instance had the scholars been in any proportion less or more than seventy to a school. This was the exact computation throughout the provinces of Ulster, Munster, Leinster, and Connaught. He was now quoting from the returns of 1824, not having those of 1825 in his immediate possession. Of course it was impossible to put any faith in such returns. By the same returns, the whole number of scholars was given at 102,000. By the amended returns, they were found to be no more than 50,000. The number of schools was by the former return 1400; it was now known that they were not 800. He complained of the wild abuse of the money granted in the mode of its application. For a registrar, superintendent, and twelve clerks, 1174l. For ten inspectors, 1122l. For gratuities to teachers who have deserved well of the society, 9400l. This was a system which ought to be stopped without further delay. He did not wish to stop the vote at present; especially as there was a commission now sitting, and in active inquiry into the subject of Irish education. But with the reduced numbers of schools and scholars, there could be no reason for the present sum. He proposed as an amendment, to reduce it from 25,000l. to the amount voted last year, 22,000l.

Lord *Milton* did not know but that the committee could give some explanation of the cause which had brought exactly seventy scholars into every one of these schools; for the calculation of his hon. friend did not apply merely to the division of the provinces, but to the schools of every one of the thirty-four counties. Until the house had some such explanation, it would be utterly disgraceful to continue to vote so large a sum of money, as the returns were, from their very nature, void of credibility.

Mr. *Butterworth* said, that the Kildare-street schools had done more good for Ireland than the hon. member (Mr. *Hume*) was likely to do in 20 years, should his life be spared so long. He could not readily explain how the returns had been made out to tally with a particular number of scholars. Perhaps some general average was taken. At any rate, he was ready to repeat what he had said on a former night,—that it was not possible to conceive that so respectable a body as that committee, would lend themselves to any fabrications, or that they would be parties to telling stories. They were men of the highest character; not clergymen of the church of England only, as the hon. gent. would have the house to believe, but men of many other Christian persuasions. There were several Quakers in it; there was a physician, Dr. *Barroughs*, a man of high and unimpeachable character and eminence in his profession; and Mr. *Jackson*, a respectable barrister, was secretary. Surely he must believe in the honour and integrity of these persons, at least, &c. 1826.

as readily as he could trust to the representations of the hon. gent. Let the hon. member, however, try the matter fairly. Let him put his allegations in black and white, and send them to Dublin, and then, no doubt, they would be sufficiently refuted. As to any sudden diminution of the numbers, that was readily accounted for by those who knew the state of the country. There were continual alterations arising between the Roman Catholic clergy and the managers of the schools, as to the propriety of using the Bible as a school-book. A most respectable friend of his, in Ireland, supported several schools for the education of the children of the Roman Catholic poor, at his own expense. A disagreement took place upon the ordinary subject, and, through the influence of the Catholic priests, there were 500 children withdrawn from them in one week. It was quite possible that 50,000 children might be withdrawn from the Kildare-street schools almost all at one time, so great was the Roman Catholic influence.

Mr. *F. Lewis* said, that the number of pupils returned by the society was made for the year 1824, and although they had stated the number to be 100,000, that calculation had been made with reference, not to the number of pupils at present instructed, but to the number of pupils which appeared upon the rolls of the different schools. Although he admitted that it was wrong to make such a return, he begged to hear testimony to the high respectability of the managers of the Kildare-street Society. The honour and integrity of those gentlemen had been most unfairly attacked, and it was but justice to vindicate their characters from the stigma attempted to be fixed upon them.

Mr. *Hume* did not wish to cast any reflection on those gentlemen individually; but in their collective capacity they had certainly committed errors. How were those errors attempted to be reconciled? According to the report of the society, the number of children educated by them was 100,000, while in point of fact it was little more than half that amount. The report of the managers was, then, at variance with truth. It was in fact an unfounded statement. With respect to the share which the Roman Catholics had in the management of the society, it appeared that there were only two gentlemen of that persuasion who were connected with it, one of whom was dead (a laugh). Was it therefore to be expected that the Catholic population of Ireland would suffer their children to attend those schools, the managers of which were, with one exception, Protestants? An alteration in the system was loudly called for, and he hoped it would take place at no very distant day.

The vote was then put, and carried.

### *Irish Poor.*

LORDS, WEDNESDAY, FEB. 15.—The Earl of *Darnley* wished, before the house rose, to explain something he had said a few days ago relative to a proposed provision for the Irish poor. What he said was, that he should be sorry to see the abuses of the English system of poor-laws applied to Ireland, though he wished it were possible to make some provision for certain cases of distress. It was shocking to learn, that in the present state of civilization, it was possible that in any country of Europe



an individual should be suffered to die of want. He had, however, lately read in the Irish papers an account of an individual dying from actual want in the streets of Dublin. A noble lord had, last session, given notice of his intention to submit to their lordships a proposition for making a provision for the poor in Ireland, and had moved for papers calculated to afford information on the subject. That noble lord (Lord Carbery) he hoped would take a proper opportunity for bringing the question before the house. If, however, the noble lord did not, he should feel it his duty to call their lordships' attention to the subject. He was perfectly aware that no legislative project could cure the evil under which Ireland suffered, and that the only certain means of relief for pauperism were to be found in employing labour. Nevertheless, he thought it might be made a subject of deliberation, whether some modified system ought not to be adopted relative to the poor in Ireland.

The Earl of Limerick expressed his astonishment that any noble lord should think fit to stir a subject fraught with such mischievous consequences as a proposition of introducing the poor laws into Ireland. He was surprised, too, to hear the kind of reason which had been suggested for this extraordinary measure. His noble friend had read in an Irish paper an account of a person having died of want in the streets of Dublin; but in spite of the poor laws of this country he had also read in the English newspapers of persons dying of starvation in London. It was certainly possible, in the present state of society, that individuals might suffer the greatest privations, but was that a reason for introducing into Ireland a system of law which had been found most burdensome, demoralizing, and mischievous in this country? Ireland was now suffering from an overgrown and unemployed population; but if the English poor laws were to be introduced, and the people given to understand that all the children they produced would be provided for by the public, the increase of the population would soon be most alarming. The clergy would profit by it, for there would be a general rush to the priest to get married. It had been said by somebody that Ireland was used to acts of forfeiture, but he could assure their lordships that the introduction of the poor laws would be a general act of forfeiture of all property whatever. Why should the noble lord wish to throw more inflammable materials into the caldron which was now boiling, and might soon boil over?

The Earl of Darnley again explained, that all he meant to state was, that it would perhaps be worth their lordships' while to consider whether some modified provision might not be made for the poor in certain cases.

COMMONS, THURSDAY, MARCH 23.—On the question that the report of the committee of supply be brought up.

Mr. Hume expressed his decided objection to the principle of granting money for the support of charities, and concluded by moving the following resolution as an amendment:—"That when the principle of supporting local charities and other institutions at the public expense is extremely questionable, and the present distressed state of Great Britain is considered, it becomes the imperative duty of this house to institute an inquiry before they proceed further in voting to the amount of 371,589l. for the support of local institutions in Ireland; more

especially so, when no less a sum than 171,261l. is required in the present year for the support of the charitable institutions, for which the Irish Parliament, on an average of the six years from 1794 to 1800, voted only 47,284l."

The Chancellor of the Exchequer said, it never could be pretended that the votes which the hon. gent. opposed were not liable to objection on the score of principle, and if the thing were to be done now, for the first time, he could conceive no process of reasoning which could induce him to agree to it. The hon. gent. should, however, recollect that the maintenance of those charitable institutions was provided for by one of the articles of the Union.

Mr. Hume:—Only for twenty years.

The Chancellor of the Exchequer:—That was true; but it would be unbecoming in the legislature to act so strictly upon the letter of the law as the hon. member wished. It would create great inconvenience and distress if the charitable institutions were to be suddenly abolished. He certainly wished to reduce them gradually, as far as was compatible with the feelings of humanity, which should not be altogether discarded for the purpose of substituting the cold doctrine of strict propriety (hear, hear).

Mr. Hume said, that he placed no confidence in the professions of ministers, because they had done nothing towards the reduction of these establishments for the last six years.

The house then divided.—For the amendment, 6.—Against it, 60.

The report was then brought up.

On the vote for granting 31,000l. for the Foundling Hospital of Dublin.

Mr. Hume protested that he saw no reason why England should pay for the bastards of Ireland. The only effect of this institution was to promote the production of bastards, and the house, in voting money for such a purpose, became *particeps criminis*. Four years ago, the rt. hon. Sec. (Peel) had declared the establishment to be a nuisance; and still the votes for supporting it went on increasing. He concluded by moving, as an amendment, a resolution reprobating the policy of Foundling institutions.

The Speaker said, that the amendment was not admissible in its present form, because it professed to be a resolution of a committee of supply, whereas it was only a resolution for the adoption of the house on the bringing up of the report from a committee of supply. It was quite at the discretion of any member to move an amendment on the bringing up of the report of a committee of supply, and upon the second reading of any resolution contained in that report. But the amendment must be in *pari materia*. There could be no addition in the way of sentences made to the resolution; for if such an amendment could be carried by the house, it would professedly be part of a report of a committee of supply, which in fact it was not.

Mr. Hume then moved that the sum be reduced from 31,000l. to 27,000l.

A division took place.—For the resolution, 32.—For the amendment, 4.—Majority, 28.

### Emigration.

TUESDAY, MARCH 14.—Mr. Wilmot Horton rose to move for a select committee to inquire into the subject of emigration—a subject

which had engaged the attention of a committee during the last session of Parliament, when there had also been a vote of 30,000*l.* for the expenses of transporting emigrants from Ireland. In 1822, 868 persons had been conveyed from Ireland to Canada, averaging about 22*l.* 14*s.* 6*d.* for each emigrant. He was happy to say, that the persons who had been sent out were now in a state of great prosperity, and the experiment of Government had so far answered every expectation. The emigration of 1825 had been on a larger scale. It had consisted of 656 men, 524 women, and 848 children, making altogether 2028 persons. The expenses of this emigration had not exceeded the ratio of the former experiment. Perhaps the expenses might be reduced to 20*l.* per head, and for this sum a person could be placed in Canada in a situation infinitely preferable to that from which he had been removed in Ireland. He begged the house to understand, that in no instance had any person been removed at the public expence, unless he had been found in a state of absolute destitution. The details of the whole of the proceedings would be found in the Appendix to the Report of the Committees of 1823 and 1825, and he should not, therefore, trouble the house at any considerable length. The experiment of 1825 was in a process of success, as far as any calculation could be made. Gross misrepresentations had been made upon the subject, both in this country and in the Canadas; but he was happy to state, that he had received letters from the emigrants, which had totally refuted the mis-statements that had been put in circulation. In a letter dated 22*d.* Jan. of the present year, from the Province of Upper Canada, the writer stated that the emigrants were all settled upon their lands—that they were perfectly contented—that they were making the greatest progress in clearing and cultivating their farms, and that not a single instance of riot or outrage had occurred amongst them. A letter had been inserted in the Canada Papers, by Mr. Fitzgibbon, a gentleman of family and respectability; who, in consequence of the misrepresentations that had been made upon the subject, had had communications with the emigrants; and the result of his inquiries was, that they were going on extremely well. A letter from the Superintendent of the emigrants, dated 13*th.* Jan. gave a very favourable account of their progress in forming their settlement. Col. Talbot, in a letter dated 16*th.* Sept. 1825, represented that the emigrants were making great progress in farming, and that they had already been able to raise a produce beyond their consumption. The state of these settlers presented a most happy contrast to what had been their former conditions in Ireland. It had been given in evidence before a committee of the house, that in Ireland these people had been in a state of the utmost possible human misery, and that they were sunk to the lowest depth of degradation. It was highly gratifying to reflect that they had, at so small a sacrifice on the part of the public, been able to transport these people from such vice and wretchedness, into a state which called forth their industry, and converted them into social and moral beings. He was particular in making this statement, because the hon. members (Mr. Hume and Sir F. Burdett) had predicted, that the plan of sending these emigrants to Canada could never succeed. He wished it, however, to be understood, that the Government had not adopted this plan as a system

which they were to follow; they had only pursued the measure by way of experiment, and in order to create an example which others might follow. But the whole subject could be thoroughly sifted in the committee, and it could there be ascertained whether the Government could persist in this plan of emigration, without any improper sacrifice of the national funds; and whether, by these means, they could remove the redundant population of Ireland, and perhaps of Scotland. The subject was connected with the general question of Colonization. It had been stated, that the exports at present from Great Britain to the United States of America, were seven times as great as they had been immediately before the American War; and an inference was drawn, that we could not do better than get rid of our North American Colonies. He could, however, deny the premises, for our exports were very little more than one half greater than what they had been prior to the American Revolution. The people of the United States, on an average, consumed of the manufactures of this country, at the rate of only twelve shillings per man; whilst the consumption of the inhabitants of our own Colonies was at the rate of two pounds per man. From this it was evident, that we ought to increase the population of our Colonies, as far as it could be done, without encroaching on the interests of the people of England. Mr. M'Culloch had given his evidence in favour of this principle, before the Committee. The question had been put to him in the following words:—“If it be admitted that a man, a woman, and two children, being in a state of hopeless poverty, cannot be sustained in Ireland, on an average at five pounds each person, and that they can be removed to Canada for 22*l.*, and can be settled and provided for there, at four years' purchase (of their support in Ireland), would it not be advantageous to transport them to Canada?” To this question, Mr. M'Culloch had replied, that the money would be judiciously laid out, provided that means were taken to prevent the reproduction of the population in Ireland. Mr. M'Culloch had given it as his opinion, that, under the present circumstances of Ireland, the Government ought to lay out large sums of money in removing the surplus population of Ireland, provided that the landlords gave security to Government that the places of the people removed should not filled up on their estates for a given period of time—about twenty years. The subject of emigration mixed itself up with that of the colonial system; and if it were true that in our trade with our colonies both parties were benefited, it was clear that by means of emigration we should be doubly increasing the aggregate profits of the empire. He threw out this, because there seemed to be a disposition to impeach the present colonial system. He hoped that this question would be brought forward in a distinct shape, in order that it might be ascertained whether the system of our ancestors was to be departed from or not. He put it to the house, whether a measure which seemed to convert a riotous peasantry into a class of industrious farmers and yeomen, was not deserving of consideration at the present moment, when we were devising improvements in our criminal code, and endeavouring to lessen crime. He concluded by moving “that a select committee be appointed to inquire into the expediency of encouraging emigration.”

Mr. Hume would not oppose the motion, for



he thought it highly necessary that a fair inquiry should be instituted upon the subject; as it appeared to him against all principle that the country should be paying at the rate of 100l. per family to transport the peasantry of Ireland to any other part of the world. He thought it would be much better if the Government would give the 100l. to the poor people at once; as it would be sufficient to settle them in a state of comfort and of useful industry at home. The opinions of Mr. McCulloch had been unfairly quoted. The question put to Mr. McCulloch was, "what number do you consider it would do good to remove from Ireland in her present situation—would the removal of 100,000 persons relieve the distresses of that country?" To this the answer was "no, it would be a very inconsiderable relief." On being asked "if the removal of 500,000 persons would produce benefit?" He replied, "that the removal of 500,000 persons might produce an effect on the population of 7,000,000, but the effects would not be very beneficial, for they could not prevent the re-production of a population in Ireland, the number of the people always being in the ratio of the means of subsistence." The sum of 10,000,000l. of money applied in this manner, would produce no benefit beyond a period of one or two years. He thought the proposition altogether absurd, unless the plan was carried to an extent far beyond what the country could support. But the opinions of Mr. McCulloch were at variance with those entertained by persons of the highest authority, and to whom he (Mr. Hume) was disposed to pay the greater deference. He (Mr. Hume) thought, however, that the sending of the emigrants to Canada might be of great benefit to that Colony, and that, under a better and more liberal system, the colonies and the mother country might be of benefit to each other. With respect to the calculation of the exports to America, the hon. member (Mr. W. Horton) was altogether in error. If we exported more in proportion to our own colonies than to the United States of America, it must be taken into consideration that, under our present system of restrictions, we were compelled to take at a high price from our Colonies, worse goods than we could purchase in other markets at a lower rate.

Mr. Spring Rice supported the motion, but reprobated the Government's converting the selection of emigrants into a political job.

Mr. Bernal stated, that in some cases, he understood, emigrants had been loaded with heavy expenses by the local Governments, in addition to the sums paid for their transport and provision. He hoped this would be inquired into and prevented.

Mr. Wilmot Horton replied, that the system, in the respect referred to, had been entirely changed, and the whole subject of those expenses would come before the committee.

Mr. Alderman Wood knew that there were some thousands in the city of London who would be happy to accept of any boon of this kind offered by the hon. gent. He would engage to provide the hon. gent. with ten or twelve applications a day for the next twelve months.

The committee was then appointed.

FRIDAY, MAY 12.—Mr. M. Fitzgerald was anxious to ask the colonial secretary if he was aware of the charges which had been imputed in several public journals against the emigra-

tion committee, now sitting, accusing it of an intention to have recourse to compulsory measures, in order to induce the poorer classes of the community to emigrate. A more false or scandalous imputation, or one likely to have a worse effect, could not be imagined. So far from having any idea of enforcing emigration, the committee never contemplated any plan for emigration, in which the application should not be made by the parties.

Mr. W. Horton had no doubt but that these publications had been issued for the worst of purposes. The fact was, that there were at present above 1000 applications before the committee, of persons who were most anxious to emigrate. But he was happy to say that the report of the committee would be made public shortly, and then a complete refutation would be given to these base and groundless calumnies.

### *Irish Newspapers.*

TUESDAY, MARCH 7.—Mr. Hume rose to move for a return of monies paid for the insertion of proclamations in Irish newspapers. This, which had formerly been a considerable item, he had got reduced to about half; and its present amount was about 7000l. a-year. In 1821, he moved for a return of a similar description, and he now wished to have the account continued to the present time. His object was to shew that this money was chiefly applied for purposes of bribery—he did not use law phrases, but he wished to adopt language so plain that nobody could misunderstand him. By the return of the 7th May, 1821, it appeared that the division of this money was extremely unfair, because the greater part of it was given to papers which had the least circulation; while some papers which had singly a greater circulation than all the others put together, did not receive one shilling. The return which he had, was, however, inaccurate; as it did not shew how much of the money paid by Government was for advertisements, and how much was for proclamations. He, therefore, moved for a return of the number of stamps issued to each newspaper in Ireland during the last five years, with the amount paid to each newspaper for the insertion of advertisements, and the amount paid for proclamations (distinguishing each), out of the money voted by Parliament for publishing proclamations in Ireland.

The motion was agreed to.

FRIDAY, APRIL 21.—On the motion for granting 6000l. for printing proclamations, &c. in the Irish newspapers.

Mr. Hume said that this vote was quite uncalled for, and should not be allowed. He had lately moved for a return of the sums allowed to the different papers in Ireland; and the conclusion might naturally be, that the largest sums for proclamations and advertisements would be allowed to the papers of greatest circulation. No such thing. It appeared that the *Patriot* had been established by Mr. Wellesley Pole, when Irish Secretary, to oppose the *Correspondent*, then an opposition paper; and that 1200l. of this money had been given to the *Patriot*. Soon after, the *Correspondent* turned, and received 7 or 800l. At present, the *Correspondent* and *Patriot* had about 1300l. of this money between them. These and other papers received money, not according to the business



done, but for inserting news from the London papers, and from the *Gazette*. In 1819, 519l. was charged by one paper, for inserting news from the *Gazette*; and in some of the papers, proclamations were inserted twenty-eight, sixteen, and fifteen times. He was, however, informed, that lately they had not been inserted more than three times in any one paper. In looking at the printed papers, it would appear that the sums had been made up to the papers to much the same amount in each year. It appeared that money was paid to papers in the names of members of parliament; for 1801. had been paid to an hon. member for the *Kerry Evening Post*. The regular bargain seemed to be, that as long as the paper supported the Government, the usual sum would be made up to it in some way or another. He then stated several instances in which papers of small circulation had received considerable sums; others, of great circulation, received in some years little, and in other years nothing. The *Athlone Herald*, a paper the circulation of which was limited to a very small number of impressions, barely 1900 stamps in the year, received 113l. for advertisements. The *Patriot* published 84,000 numbers yearly, and received 832l.; while the *Evening Mail*, a paper circulating 360,000 copies, did not receive one farthing of the Government money. Now was this fair: The *Mayo Constitution* published yearly 16,150 stamps, and received from Government 115l. a-year. The *Wexford Herald* used about 1400 stamps annually, and received 10l. for advertisements. But the *Dublin Morning Post*, publishing 202,000, copies, received nothing; and the *Dublin Evening Post*, a paper that used 242,000 stamps annually, received only 13l. of this vote. Then the public boards employed the Government papers for the insertion of their advertisements, and no others. He hoped to be able to prove, if he were allowed to go into a committee on the subject, that the present hon. Sec. for Ireland, on the reduction of the sum allowed for proclamations, had been obliged to apply to the commissioners for widening the streets of Dublin, to make up the usual sums for the papers, according to contract (cries of no, no! and a laugh from the Treasury Bench.) Well, he still thought he should be able to prove it; and he also thought he could prove that the Master in Chancery (Mr. Ellis) behind the Treasury Bench, made it a point to insert his advertisements in the Government papers, although of small circulation, and in no others. He certainly would take the sense of the house on this resolution, unless it could be shewn that there was something particular in the Government of Ireland, and that it could not be carried on without this sort of support.

Sir John Newport suggested that the advertisement duty should be lowered generally, to admit of the insertion gratuitously by the newspapers of the Government proclamations in Ireland. By the present plan, the object of publicity was defeated, for the papers of the greatest circulation had the least of these Government advertisements.

Mr. Goulburn complained of the unfair manner in which the hon. member had brought forward this subject. He had at once imputed to him a charge of bribing the press in Ireland, for the corrupt purposes of Government; and yet, when he attempted to sustain this imputation, he quoted from papers which were laid be-

fore Parliament in 1819, long before he (Mr. Goulburn) had any connexion with the Irish Government. There was another piece of unfairness in the course which the hon. member had thought proper to take: he referred to two sets of accounts, the old and the new; and where a newspaper appeared to have declined in circulation since the former returns, he made use of an argument founded upon that reduction, but still placed exactly next it the larger sum which the same paper had any time received. "Then," said the hon. member, "why not resort to the English economical practice of paying a certain sum for these things?" He would tell him the reason—because the expense would be far greater. The practice, in this country, was to give 50l. for affording publicity to each proclamation. If this sum were in like manner given in Ireland, the expense in that country, for the last year, would have been 9500l. instead of 6000l. (although the hon. member said it amounted to 7000l.); and they should remember that, from this 6000l., 2000l. must be deducted for the expense of the *Dublin Gazette*. So that 4000l. was the whole sum required for the general service alluded to, so far as the newspapers were concerned. Of these newspapers he really knew nothing. Were the hon. member in his situation in Ireland, he would find occupation enough of a more serious nature to fill his attention, than inquiries into the petty squabbles and details of these newspapers. But he repeated that none of these grants had originated with him; they were all in being long before his time; and it was strange that he should have been selected as the responsible person for their origin. For what purpose could he want to corrupt the Irish press? No man, he believed, got less than he did of the favour of these newspapers; indeed he understood that, on the contrary, he was very frequently the object of their severest animadversion. But the most extraordinary charge of all was, when the hon. member insinuated that the money was actually paid to members of Parliament for corrupt purposes, and that Sir Robert Shaw was the receiver, in Dublin, of one of these country newspaper sums. Now the fact was, that Sir Robert Shaw was a banker, and this country paper having some money to receive in Dublin, had the payment made at his bank, in the regular way of account; and this was the corruption which the hon. member was prepared to establish (hear, hear). For his own part, he repelled the charge of corruption, and felt himself as free from such an imputation as the hon. member. And he would add, with reference to the hon. member's sources of information, upon which he thought it right to deal out his charges, that if he (Mr. Goulburn), with his opportunities of official information, were likely to be led into error, how much more so was not the hon. member himself, when his information could only be derived from discarded and unfaithful clerks, who, in violation of their duty, transmitted garbled and imperfect statements for purposes of this kind?

Mr. T. Ellis defended the Masters in Chancery from the hon. member's imputation, and said that whoever had communicated to him the assertion that they advertised in particular newspapers for political motives merely, was guilty, as he could prove, of a wilful misrepresentation. He had himself been twenty years a Master in Chancery; and before his time, an arrangement had been made by four

Masters in Chancery, to govern their advertisements; and a certain number of newspapers were selected, not by any means with reference to their politics, but to their convenient and useful circulation at that time. Some of these papers had certainly declined since: still, however, they were the papers to which suitors resorted for these advertisements; so that they perfectly answered all the purposes of proper publicity. One of these papers was *Saunders's News Letter*, an advertising paper of great circulation, but which was unique in the circumstance of its not interfering in any manner in politics. Another of these papers was the *Correspondent*, which had even changed its politics altogether since the advertisements were first inserted in it. There was, in fact, no ground whatever for the assertion, that particular papers had been selected on account of their politics.

Mr. Hume denied that he had founded his arguments upon anonymous information; he had formed them upon the official documents before the house. He referred to these returns, for the purpose of shewing that no attention was paid to the utility of the circulation of the Irish newspapers, in selecting those for the Government advertisements. As a proof of this, he remarked that the *Dublin Evening Mail*, which circulated, according to the official returns, 360,000 copies in the year, had received only a few pounds for the insertion of proclamations, while the *Correspondent* and *Patriot*, which both together only circulated 135,000 papers in the same year, had received upwards of 1200*l.* from this fund.

The house then divided, when the numbers were—For the grant, 40—Against it, 18—Majority for it, 22.

FRIDAY, MAY 5.—Mr. Hume presented a petition from the proprietor of the *Dublin Weekly Register*, advertising to a statement in that house by an hon. member (Mr. T. Ellis), in which the hon. member denied that there was any partiality in the selection of particular newspapers in Dublin, as the vehicles for communicating official advertisements. The petitioner offered to prove the allegations made on this subject in a former petition.

Mr. Ellis then repeated that there was no partiality. The *Correspondent*, which was at present the paper in which announcement was made of sales under decrees of Chancery, was selected twenty years ago; and it was then an opposition paper, a warm advocate for Catholic emancipation, and under the management of a Catholic editor. It was selected merely because of its extensive circulation. If other papers were not selected, it was not from any party feeling. As to the *Dublin Weekly Register*, it was a paper of recent origin, and was not of that circulation which had occasioned the choice of the *Correspondent* in the first instance. Particular papers were selected, by the Master in Chancery, for advertisements; but only with the view of preventing attorneys from putting suitors to unnecessary expense by sending them to what papers they pleased; but in such selections, party feeling was out of the question.

Here the matter dropped.

### Tolls and Customs.

THURSDAY, FEB. 16.—Mr. S. Rice moved that an address be presented to his Majesty,

praying that he would be graciously pleased to order a commission for inquiring into the amount of all tolls and customs levied in fairs, markets, and sea-ports in Ireland.

Mr. Goulburn:—When the hon. gent. mentioned this subject at the beginning of the present session, he (Mr. Goulburn) had informed him that it had not escaped the attention of ministers, and that the only reason for its not being then entered upon, was the difficulty of providing a satisfactory remedy. In arguing this question, therefore, it must not be assumed that if the evils complained of existed, the Government were indisposed to remedy them. The subject was in itself not one of a simple nature. The greater part of the tolls in markets and fairs in Ireland were collected under patents held by individuals. He was not prepared to deny that they might be, and that they were, an obstruction to the commerce of the country; but did this obstruction apply to Ireland alone? Was not the same system practised in every town in this country where the tolls were collected (as most of them were) under the authority of Royal patents? Within half a mile of the spot in which they were sitting, the same system was in daily operation. The tolls of Covent-Garden market were the property of one noble individual, and it was notorious that their collection gave rise to constant disputes. The effect of those disputes was felt particularly by the lower classes of the people, who brought their commodities to market, and, as far as they went, were an obstruction to the trade of the place. It was true that a committee of the house had on a former occasion pointed out this subject as one for which a remedy ought to be found; and the ground of that recommendation appeared to be chiefly on account of the resistance which was offered to the payment of tolls, and the disorders to which that resistance gave rise. He would not, however, agree that this was a sufficient ground for such a remedy as was now proposed. If this resistance were confined in Ireland to the payment of tolls, then, indeed, some argument might be raised upon it; but when it was found to prevail very generally, and when the same resistance was offered to the payment of rents and of tithes, and all other dues which parties were entitled to receive, and the same disorders were the consequence, he thought it was too much to conclude that the law was therefore deficient. His own opinion, on the contrary, was, that by application to the legal remedies, and by that alone, the evil could be got rid of. If gentlemen resident in the neighbourhood of places where tolls were illegally exacted would do that which he took to be the duty of such gentlemen, by lending their advice and assistance to the parties aggrieved, by pointing out the mode of legally obtaining redress, and, if need were, by leading the way themselves, and making an example of some great offender, there would soon be an end of the illegalities complained of, and the existing laws would be found strong enough for all necessary purposes. The greatest facility was afforded under the present acts to persons who had to complain; redress might be obtained before a single justice of the peace; and although corporation officers were in many instances the parties interested in the receipt of tolls, this difficulty too had been provided for as well by the imposition of a heavy pecuniary fine on justices denying redress, or refusing to act, as by an enactment that all causes relating to corporation rights should be sued out of the jurisdic-

tion. But if the present motion were agreed to, it would afford no farther useful information. There were no less than 2016 patents granting tolls, and in each of them the articles amounted to 15 or 16. It was obvious, therefore, that to investigate this subject properly, the commissioners ought to ascertain, item by item, the legality of those tolls, and to point out accurately whether they were conformable to prescription, patent, or to the peculiar fitness of the thing. The annual amount of these tolls was said to be 1,000,000*l*. It would be necessary to give compensation to the parties at present entitled to the tolls, and he for one would never consent to the government making any bargain so extensive as this must necessarily be. For this reason, as well as on account of the Herculean labour which must be imposed on the commissioners without the probable result of any adequate good, he must oppose the motion. There was another ground, and not a less forcible one, on which that opposition was founded. If this motion were agreed to, the immediate consequence would be, that the people of Ireland would receive it as evidence that parliament had decided on the general illegality of tolls, and there would not be a market or fair in which the people would not set up a general resistance even to that part which might be admitted to be legal. He had been long enough in that country to know how easily erroneous opinions were adopted when they happened to suit the notions of persons who were interested in them. For these reasons, and, above all, because there was already in Ireland a disposition to put by the law, and to resort to extraordinary measures, he was averse to granting the commission. He was sure that nothing could produce a more lasting benefit to that country than to exalt the legal tribunals in the minds of the people, and to teach them to look to them alone for protection and redress on all occasions. He was not disposed to resort to any extraordinary remedy, but if the present law was found inefficient, he would, upon the case being made out, consent to its being remedied.

Mr. D. Browne ridiculed the idea of appointing a commission upon such a subject. Commissions were perpetually being appointed to inquire into subjects connected with Ireland, the persons composing which were very well paid for their labours; and it was singular that their labours never were brought to a conclusion. He trusted, however, that if a commission should be appointed on the present occasion, he should be placed at the head. He had served his country in parliament for 43 years, and was therefore, he thought, entitled to expect some good appointment of that kind (a laugh).

Sir H. Parnell stated, that great abuses were perpetrated under the present system of levying tolls in Ireland, and that it was impossible for the poor peasants to obtain any redress for them. What was most provoking of all, however, was, that the money derived from tolls was not misapplied (a laugh). In most other cases the object in obtaining money improperly was to apply it improperly; but here he must acknowledge that it was honestly applied.

Mr. Peel said, that if it could be shown that the existing law was not sufficient to afford redress to persons who had been improperly assessed for toll, he would admit it would be a fair ground for calling upon parliament to consider the question. But to appoint commis-

sioners to examine whether such a case could be made out, was perfectly absurd. If the principle of purchasing the franchises of individuals were good, why not extend the application of it to England? The toll which the Duke of Bedford collected in Covent-Garden market was, no doubt, considered very oppressive by those who paid it; but nobody could dispute the right of the noble duke to impose it. Unless it could be shown that the present law was defective, parliament could not be called upon to legislate on the subject.

Sir J. Newport supported the motion. The patentees of tolls in Ireland were generally corporate bodies, or rich individuals, and with these it was quite impossible for the poor people who were the objects of their extortion to contend. One of the most objectionable parts of the present system was the administering of illegal oaths by the toll collectors. Those collectors took their station at the "custom-gap" of a fair, with a stick in one hand, and a prayer-book in the other (a laugh). They swore the carters who brought goods to market, as to the amount of their loads, and if they were not satisfied with the accounts rendered, they took summary vengeance with the stick (a laugh).

Mr. Plunkett remarked that the statements which had been made of the abuses of the present system of levying tolls in Ireland must be greatly exaggerated, otherwise the subject must have been brought under his official notice. If the tolls were so extravagantly high as was represented, the country gentlemen out of whose pockets they must principally be paid, would not fail to make the grievance known, so as to reach the ear of Government. The labours of a commission on the subject would be endless. The number of toll franchises in Ireland amounted to 2016, and each of them involved a right to about 20 different kinds of toll. The commissioners, therefore, would have upwards of 40,000 cases to investigate. It would be the work of generations—*filii natorum, et qui nascentur ab illis* (a laugh). He must again express his belief that the charges of abuse under the existing system were too general. Gray's description of

"Some village Hampden, that with dauntless breast  
The little tyrant of his field withstood,"

would not perhaps apply to Ireland. But if that country was without village Hampdens, she was in no want of legal Hampdens (a laugh). The latter were a description of persons who were not likely to acquiesce under any grievance, and to whom the expense of procuring redress would not form a very important objection (a laugh). If the hon. mover could suggest any plan for rendering the mode of granting redress more summary, he would pledge himself to endeavour to carry it into effect. It was suggested that the patents for tolls in Ireland should be purchased by the public. At the lowest estimate the tolls in Ireland were worth 500,000*l*. a year. Parliament could not, surely, think of offering the gentlemen who held the patents less than 20 years' purchase, which would amount to the moderate sum of 10,000,000*l*. He thought that his rt. hon. friends the Chancellor of the Exchequer and the President of the Board of Trade would turn the matter in their minds a long time before they resolved to part with such a



sum for such a purpose (a laugh). With respect to illegal oaths, he pledged himself, that if any case of that nature should be brought under his notice officially, he would direct the Crown solicitor to institute a prosecution.

Mr. M. Fitzgerald said, that nothing could be more deplorable than the ignorance of the learned gent. with respect to the abuses of the system of tolls in Ireland. The existence of those abuses was notorious to every person connected with that part of the empire; and that they had not reached the ear of Government was only a proof of the poverty and wretchedness of those who endured them. The tolls had been proved to have been levied where specific acts of parliament had provided guardians to aid their operation. In the linen-trade there were certain articles exempted from toll, but in most of the markets in the south of Ireland, there was a toll levied on all articles in the trade. What was worse, the power of the toll-gatherer was exercised in a way to promote the frauds in the trade which their office was instituted to check. The toll-gatherer asserted his right to examine the article carried to market; but received a bribe to overlook an article badly manufactured. He knew this to be the fact, in his capacity of magistrate. The extent of the grievance, and the impossibility of at present obtaining a remedy, required that the law should be simplified, and required that some means should be devised for supplying those who were oppressed, with funds for obtaining justice by the ordinary proceedings at law. Perhaps such funds might be supplied by the grand juries; and if suits were prosecuted on this principle, the distinction would be established between legal and illegal tolls. It was ridiculous, it was worse than idle, to tell the house, that men in a worse situation as to wealth than the paupers of England, could obtain a remedy against any oppression practised by wealthy people; and from a contest with them they were wise enough to shrink. He wished his hon. friend (Mr. Rice) could prevail on the rt. hon. gent. to take up the matter sincerely; though he never knew a secretary of Ireland who knew much of that country, nor a great lawyer who knew much of any country (a laugh).

Sir John Brydges denied the insinuation which had been thrown out, that justice was not administered in Ireland equally to the poor as to the rich. Such a statement going forth uncontradicted would do a great deal of mischief.

Sir John Newport had never asserted the contrary. But if the law was so expensive that the poor man could not get its assistance, it was a practical denial of justice to him.

Mr. R. Martin knew that in the county he represented, gross abuses existed in levying tolls, and the greatest abuses of all in the town of Galway itself. They existed to such a degree, that the landholders round Galway found the value of their land reduced two, three, and four shillings an acre, through the exorbitant tolls. He appealed for the truth of his assertion to his hon. colleague, who had been a defendant in a suit, where the corporation had been charged with exaction of illegal tolls, which suit had, been some years in the Court of Chancery. He was disposed to agree with the Attorney-General for Ireland, that remedies did now exist, the greatest abuses being in cases where the toll was exacted against the law. But though the law might be equally administered in Ireland, it was not accessible, any more

than the City of London taverns, to those who had no money.

After some further conversation, Mr. Rice withdrew his motion, with an understanding that a select committee would be acceded to with limited powers to ascertain whether any and what remedy can be applied to the existing laws, without trenching on private rights.

### Rate of Postage.

FRIDAY, APRIL 21.—Mr. S. Rice presented a petition from merchants of Belfast, complaining of the excessive rate of postage for letters in Ireland. A letter rated at 1s. in England, would be 2s. in Ireland. In short, the farther removed from the seat of commerce and the sources of wealth the higher the tax in that country.

Sir J. Newport complained that this was contrary to the articles of the Union, which provided that taxation should be no heavier on Irish commerce than on English. Aberdeen and Kerry might be reckoned at equal distances from London. A letter to the first place was 1s. 2½d., to the latter 2s. 2d.; and what rendered it more objectionable was, that the heavier rate of postage fell upon the poorer country.

Mr. Wallace admitted that the grievance was considerable, and that it ought to be removed, with a view to facilitating and increasing the commercial intercourse between the two countries.

The petition was ordered to be printed.

### Irish Corporations.

LORDS, FRIDAY, APRIL 21.—Lord King had a petition to present from the Catholic Association, complaining of great abuses in the corporate towns of Ireland; and that great abuses did prevail in these corporations he could assert, not merely from what was set forth by the petitioners, but on the authority of evidence given before a committee of their lordships, and printed in the report of that committee. It appeared from evidence given on oath, that in some of those corporations the punishment of grave offences was commuted for 10 guineas, and of minor ones for 5 guineas. It served no purpose to proceed against those corporations by criminal information for such abuses, because if the magistrates were convicted, they could not be dispossessed—they still continued members of the corporation. Catholics were carefully excluded from those corporations. Though permitted, by law, to become members of the corporation of Dublin, they had never yet been admitted. He had last session presented a petition from Mr. Adcock, who, though competent to be a member of the corporation, had been kept out for no other reason than he was a Catholic. Catholics, it appeared, were prevented from holding the offices of sheriff, mayor, alderman, or common councilman, in the towns to which the petition referred.

The Earl of Limerick stated that one of the magistrates of Limerick was a Roman Catholic. He alluded to Mr. Roche, a gentleman of the highest character and respectability. That gentleman, however, was made a magistrate by Government, and not by the corporation.

The Earl of Darnley observed, that in point of fact Roman Catholics were excluded by the corporations regulated by the new rules.

Lord King was aware that in some places

Government interfered, being able to do so under a particular act of Parliament.

Lord Clifden knew of nothing more unjust than the abuses of which the petitioners complained.

FRIDAY, APRIL 28.—Lord King presented a petition from an individual, named Adcock, of Dublin, who had long claimed to be admitted a freeman of that city. The petitioner stated that he had been put to considerable expence in obtaining a *mandamus*, notwithstanding which his admission was opposed by the corporation, on the ground of his being a Catholic. The petitioner prayed that their lordships would introduce into the bill before the house relative to Irish corporations, a clause, giving triple or quadruple damages, when persons were unjustly refused the privileges of freemen.

MONDAY, MAY 1.—Lord King presented a petition from Wm. Curtland, complaining that he was denied admission to the corporation of Dublin, though qualified, and a Protestant. An examination was referred to, from which it appeared that the reason of the petitioner's exclusion was, that he had given proofs of liberality, "which in the eye of the corporation, was as bad as Popery." The noble lord also presented a petition from Edward Adcock, a brother of the person of the same name, from whom he had lately presented a petition, complaining of similar conduct of the corporation of Dublin. The case of the present petitioner was aggravated by the circumstance of his having two children, who in consequence of the exclusion of their father, were also deprived of their right to the privileges of freemen.

TUESDAY, MAY 2.—Earl Grey presented a petition from a person named James Henderson, who stated that he was entitled to the freedom of the city of Dublin. It was necessary, as a first step, to be admitted to a Guild, but admission was refused to him because he was a Catholic. He applied to the Court of King's Bench for a writ of *mandamus*, and thus, with considerable trouble and expence, obtained admission into the Guild. He then claimed to be a member of the corporation, but there again he was opposed, and being unable to defray the expenses of a second application to the Court of King's Bench, he was deprived of his right. The petitioner prayed, that a clause might be introduced into the bill now before the house, subjecting corporations to double or treble costs in case of any vexatious opposition to the just and legal claims of persons to admission.

Lord Clifden considered the conduct of the corporation of Dublin to be most disgraceful. Nothing could be so unwise as such exclusions by corporations, for it tended to augment the number of Catholics, and to keep up the irritations between them and the Protestants.

The Lord Chancellor admitted, that the exclusions, as described, were vexatious; but if such proceedings did take place, every man, as the law now stood, had a remedy in his power.

#### *Forty Shilling Freeholders.*

COMMONS, WEDNESDAY, FEB. 8.—Mr. R. Martin moved for leave to bring in a bill on the subject of the 40s. freeholders of Ireland. At present it was well known that their property was in

danger of being swept away, if they voted contrary to the inclination and bidding of their landlords. The tenants would prove themselves before the world to be much better qualified for the exercising the rights of electors, could they show a full discharge for their rent. By showing the receipt for all rent due up to the time of the election, the 40s. freeholders would be rendered really independent. If they were in arrears, and the landlords wished them to vote independently, they could give them the receipt. No member who wished well to Ireland would be an enemy to giving them this boon which he now proposed. There was one evil more which it was desirable to see corrected. Any one having a majority of the magistracy on his side, might succeed in preventing the adversary from registering a sufficiency of votes to secure his return. In his own country he had been prevented for 12 months from registering a number of freeholders, and in the mean time the election went by. Every gentleman from Ireland would bear witness to the accuracy of this statement. Such a power ought not to be left for any man to abuse. He would propose that the clerk of the peace should have due notice of the approach of the freeholders to be registered, and in failure of his attendance, a person should be sworn in, who should be bound to take names, and hand them over to the clerk for him to register. Leave was given to bring in the bill.

#### *Non-resident Burgesses.*

THURSDAY, MARCH 9.—Sir J. Newport moved for leave to bring in a bill to repeal the 21 Geo. II. c. 10, s. 8, (Irish statute, commonly called the Newtown Act) which respected the rights of burgesses in Ireland. By statute of 10 Henry VII. great care was taken that those who possessed franchises in towns corporate should be resident; but the 21st Geo. II. c. 10, had materially altered this provision; and the 8th section declared that it still continued impracticable, in most of the towns corporate, to find Protestant inhabitants who, on account of their circumstances, were fit to be trusted with such offices: it therefore went on to provide, that no person who has been, or shall be, duly elected or admitted into any such offices, shall be ousted on account of non-residence. The 21st of Geo. II. was passed merely to admit non-residents to vote, where there were not a sufficient number of resident voters. That reason was now quite done away, and therefore the Statute ought no longer to remain on the Statute Book. In Belfast, in Newry, and in other places where this reason had once applied, there were now abundance of residents; and he knew that much inconvenience arose in Ireland in consequence of non-residents being allowed to vote, on which grounds he wished for their exclusion.

Mr. Goulburn:—The proposition of the rt. hon. bart. rested on one single argument,—that the statute sought to be repealed having been passed 80 years ago was unnecessary now, inasmuch as the reasons which were stated in the preamble had ceased to exist, and the act was no longer applicable. But might it not occur that, although the causes which led to an enactment might have ceased, the enactment, being wise and wholesome, should still continue? It was no argument in favour of the abolition of a law that its application was not immediately felt (hear, hear). The simple question was, whe-

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ther non-resident voters who had for 80 years exercised the right of voting in boroughs and corporate towns, should cease to enjoy that privilege. Now this was a question which involved a great deal, both as to Ireland and England; and was the house prepared to adopt such a change in the elective franchise of this country (hear, hear)? At the time of the passing of this law, persons of the first respectability resided in those places in which the elective franchise was exercised; but, from the change inseparable from the condition of man, it naturally occurred that persons wishing to reside elsewhere betook themselves to distant provinces. The act declared that all non-resident electors should have a vote: now if the majority of persons entitled to vote should happen to be non-residents, what would be the effect of the *rt. hon. bart.*'s proposition? It would be this—that there would scarcely be a single person to vote for the return of members to serve in the next Parliament (hear, hear). Under these circumstances, could there be a more unwise step than to deprive the present non-residents of the privilege which they had heretofore enjoyed?

*Mr. Plunkett* :—The inconvenience of the motion would be this—that the legislature in the reign of Geo. II. having removed the restrictions which at that time affected the elective franchise, as being unconstitutional, the present measure was meant to counteract that decree, by producing the precise effect which it sought to remedy (hear, hear). The act had remained in force for 70 years, and under its authority a number of persons were now enjoying the advantage it presented. The proposed measure would have not only a future operation, but it would have a retrospective effect. If we repealed the act, the election of the persons who had lately been returned under its sanction would be null and void (hear, hear). When Parliament was fast approaching to its final dissolution, it was highly inexpedient to repeal an act of this nature. If the law had existed for 70 years, in God's name give it a little longer to live, and let it exist for 71 years (hear, hear). It would be unjust in the extreme to repeal it, because it would disfranchise a considerable body against whom no specific act of injustice or illegality was advanced. This act had been in existence for 40 years previous to the union of the British and Irish Parliaments. A calculation was at that time made as to the number of electors in each town, and its provisions affected all persons whether resident or non-resident. He objected to the motion, first from its general inexpediency; secondly, from its injustice to individuals; and thirdly, because it interfered with the arrangements made at the Union, by which the elective franchise was controlled and regulated.

*Mr. R. Martin* said, that the *rt. hon. bart.* who introduced the motion was entitled to the thanks of the house. He should not be told that he did wrong to introduce it, because of its retrospective effects. Might not that difficulty be got over by the insertion of a clause to save existing rights? "Let us wait," said the Attorney-General, "until the general election." The act should be repealed now, and the new bill need not come into operation until the election would be over. This course would surely satisfy the learned gent.

*Mr. C. H. Hutchinson* thought that no exist-

ing interests ought to be interfered with, without giving to all the parties concerned the fullest opportunity of being heard on the subject, and he hoped the *rt. hon. bart.* would not persevere in the measure without giving to those parties such opportunity.

The house divided.—For the motion, 38—Against it, 76—Majority against bringing in the bill, 38.

### *Irish Currency.*

(For the proceedings on the subject of the Small Notes in Ireland, see *post*, section *Paper Currency and Commercial Distress*, under the head of FINANCE AND TRADE.)

### SCOTLAND.

#### *Scotch Currency.*

(The debates on the Scotch Currency bill are so intermingled with those on the other bills connected with the great question of Commercial Distress, that it has been deemed inconvenient to place them under this head. We must therefore refer the reader to the section *Paper Currency and Commercial Distress*, under the head of FINANCE AND TRADE.)

#### *Steam Vessels' Regulating Bill.*

THURSDAY, MARCH 9.—The *Lord Advocate* moved for leave to bring in a bill to regulate vessels navigated by steam in Scotland.

*Mr. Hume* objected to any legislation upon such subjects. If they did it in one case they must do it in all; and this, he conceived, would be productive of great inconvenience. It was well known that a strict inquiry as to the state of a vessel, the character of her captain, and the amount of her crew, generally decided persons as to the vessel in which they preferred taking their passage, and this alone was sufficient to induce the owners and masters of vessels to take the necessary precautions (hear, hear).

*Sir H. Parnell* thought such measures unnecessary. He knew a case where a bill was passed to regulate the intercourse between Liverpool and Dublin; the vessels continued to trade under this act, and so little attention was paid to them, that, in a short time, one of them, in a dead calm, struck upon a sunken rock, and went down.

*Sir J. Newport* remarked, that if the people of Scotland were not fit to be trusted with the management of their own steam-boats in their own way, it would be much better to introduce a bill to prevent them from using them altogether.

*Sir C. Cole* wished the bill to be applied to all coasts and countries. The accident (the late loss of the *Comet*) which had produced this bill, would not have happened, if steam-boats were obliged to follow the example of ships at sea, by displaying a signal, to show on which side the vessel meant to pass.

*Mr. Hobhouse* suggested, that it was just as necessary to pass a bill to regulate the manner in which people should walk in the streets. He thought there was a general feeling against the measure of the learned lord.

The house divided.—For bringing in the bill, 70—Against it, 27—Majority, 43.



*Prisons in Scotland.*

TUESDAY, MARCH 21.—The *Lord Advocate* would not offend the house by entering into the unpleasant details of some returns which he had moved for upon this subject; but the whole system of prisons in Scotland required immediate and thorough revision. Criminals of all classes and ages, convicted and under accusation, were crowded together, often in the same apartment with debtors, in the most miserable receptacles that could be conceived. In many prisons the gaolers were non-resident, having other occupations to attend to in the town. In one place, the gaoler did duty as the parish bellman. In another, he officiated as town-crier. In a third establishment, the gaoler was blind, and the prison was managed by his daughter; and in this very gaol there was a crow's debtor confined for no less than 7000*l*. He concluded by moving for a committee "to inquire into the state of Prisons in Scotland."

Mr. *Hume* seconded the motion.

Mr. *Peel* said, that it would be highly convenient if the smaller jurisdictions of Scotland would agree to unite, six or seven of them together, in the erection of one large and convenient gaol. The more extensive a gaol was, the more certain it was to be well managed; both because it could afford to pay proper officers, and because public curiosity was excited, and it was sure to be visited more constantly than a small one. To maintain a sufficient and well-disciplined gaol for each of the small burghs in Scotland was impossible.

The committee was then appointed.

*Scotch Colleges.*

MONDAY, MARCH 13.—Mr. *Herries* moved a grant of 10,000*l*. for works carrying on at the college of Edinburgh.

Mr. *Hume* desired that all the money voted in this way for Scotland should not be given to one college. He thought that an inquiry would be of service, to ascertain the condition of the other Scotch colleges, and to declare how far they were competent to the objects for which they were intended. The act of Union certainly required that five colleges in Scotland should be kept up; but that act was violated every year, and very properly so, when its violation was convenient for the public service. Now, it was well known that the colleges of St. Andrew's and Aberdeen had not the means of supporting themselves; and that, to preserve their existence, they were compelled to have recourse to expedients which would render it much more advisable that they should not exist at all. The professors of the colleges in Scotland were anxious for inquiry, and for such a change as would render those establishments more respectable, and more useful to the public.

The *Chancellor of the Exchequer* said, that the case of Aberdeen was under consideration, and that the Treasury was expecting farther information upon the subject.

*Scotch Representation.*

TUESDAY, MARCH 9.—Mr. *Abercrombie* presented a petition from 7 or 8000 resident householders of Edinburgh, praying for some improvement in what was called the representation of Edinburgh. Every year this petition was pre-

sented, there was some new circumstance which gave additional weight to it. This year, six persons belonging to the town council, who chose the member for Edinburgh, had signed the petition. By so doing, they had shown that their sympathy with the bulk of their fellow-citizens was greater than their sympathy with the members of the corporation of which they formed a part. When he first presented this petition, he had presented it in the firm conviction that it was founded in truth and justice, and nothing had since occurred to alter that conviction. He had presented it, because he believed that the citizens of Edinburgh would prosecute it with prudence, firmness, and perseverance; in that expectation he had not been disappointed. He had presented it, because he was convinced, not only that it would be prudent and just to grant the reform demanded, but that, by widening the basis of the constitution, they would give additional strength and firmness to the superstructure reared upon it. He then moved that the petition be brought up.

Sir *G. Clark* said, there was nothing peculiar in the representation of Edinburgh. The house had no more right to take away the exclusive right of election from the corporation of Edinburgh than from the corporations of Bath and Portsmouth. Such rights were never taken away by the house, unless it was shown that the parties had been guilty of gross corruption in the exercise of them.

Mr. *Hume* observed, that the hon. member argued as if the existence of an abuse in one country was a sufficient excuse for the existence of the same abuse in another country. The Government, which was making wholesome reforms in many of our institutions, could not do better than make a reform here, for no where was it more necessary. If the Government acted upon principle, they would consent to the reform which these petitioners asked for, as it would render the magistrates of Edinburgh more respectable than they were under the present system of self-election and self-control.

Sir *R. Fergusson*:—"The system of Scotch representation, both in boroughs and counties, was highly disgraceful, and required universal and an immediate reform."

Petition brought up\*.

## FOREIGN DEPENDENCIES.

*Canada.*

WEDNESDAY, MARCH 1.—Mr. *Hume* said, he had some time since given notice of a motion relative to Upper and Lower Canada, and he was convinced that if a different policy was pursued with respect to those colonies, we should, instead of spending half a million yearly upon them, put them in a situation to contribute mainly, if not entirely, to their own support. He should, on a future occasion, bring under the consideration of the house a motion for establishing those colonies as independent states, which would relieve us from the burthen of defending them. He should now move, as a preliminary step, for "an abstract of the several sums issued to those colonies since the peace of 1815."

Mr. *W. Horton* said, that the accounts moved

\* See Mr. *Abercrombie's* motion, *post*, under the head of CONSTITUTION.

for by the hon. member formed a part of our general expenditure for the West India colonies, and could not be easily separated from them. But though he did not mean to oppose the motion, he begged to enter his protest against the hon. member's observations relative to a disconnection of this country from Canada; and he thought the hon. member would have acted more wisely, by confining himself to his motion, without throwing out any such observations.

Mr. Hume said, that the Americans had discontinued the expense of keeping a naval force on the Lakes while it was continued in Canada. The motion was then put and carried.

### *New South Wales.*

FRIDAY, APRIL 14.—Mr. J. Smith said, that he had read a paragraph in the *Sydney Gazette*, (New South Wales): from which it appeared, that at the visitation of a prison at Paramatta, by the Grand Jury, there was discovered an order or warrant from a magistrate, authorizing what every one would term the infliction of torture. A prisoner named Paine was confined there, and by this warrant it was ordered that he should receive 25 lashes every morning, until he confessed where he had secreted certain property which it was said he had stolen. The prisoner had received 25 lashes for five mornings successively. On the 6th day he was taken before a magistrate, but was ordered back to prison, and the lashes again inflicted. On the 7th, he was again brought before the magistrate, and (as was stated) banished, without sufficient evidence. Such conduct could not meet with the sanction of the authorities at home, though there was reason to believe that it met no reprehension from the authorities of the colony. Now the information which he wished to obtain was, whether the magistrate who gave such cruel orders, held any situation under Government in the colony,—what that situation was, what was its salary, and whether he was still continued in it?

Mr. W. Horton said that an order such as the hon. member had described was found, but it was not for the infliction of punishment at the discretion of a magistrate. It was the practice there, and had been so for a long period, that when the punishment of flogging by the infliction of a certain number of lashes was ordered, that number was given, not all at once, but by instalments (a laugh). He did not at all mean to defend the practice, but it had long existed, and was not confined to one magistrate, for even the accusers of the magistrate in question had themselves been guilty of it; and every one would admit that from the frequency of crimes in that colony a degree of severity more exemplary than ordinary might on some occasions be practised there. As to the other parts of the hon. member's inquiry, he would state that the magistrate in question held the office of secretary to the council, the emolument of which was £600 a year.

Mr. J. Smith said, he understood that the council of New South Wales had passed an act of indemnity for the conduct of the magistrate.

Mr. W. Horton said it was so; for if they had proceeded against one magistrate, it would be necessary to proceed against all the magistrates by whom the practice had been adopted. To punish the individual magistrate, for doing that which had been constantly done by others, and

which he must have considered he was fully authorised to do, would be an act of injustice.

The petition was then ordered to be printed. This subject was again alluded to, Tuesday, May 2d, when the papers relating to it were ordered to be laid before the house.

### *Slave-Trade in the Mauritius.*

TUESDAY, MAY 9.—Mr. F. Buxton, in rising to make a motion on this subject, reminded the house, in the first instance, of the successive measures that had been adopted in this country for the abolition of the slave-trade. It had been abolished in the year 1807; in 1811, persons engaged in it had been declared guilty of felony, and in 1824 it was declared to be piracy. There had also been treaties with foreign nations, in which it had been necessary for this country to make commercial sacrifices of a very serious nature; but so far were the people of England from being dissatisfied with these sacrifices, that there was no point on which the whole nation was more unanimous than as to the necessity of a total abolition of the slave-trade. Nevertheless, he had to complain that the measures for putting down this odious traffic, had not been carried into full effect in our colonies, and more especially in our colony of the Mauritius. Nor was it that there had been mere occasional violations of the law, that some desperate adventurers had from time to time clandestinely introduced some 50 or 100 slaves; but that the slave-trade was carried on openly, and on a regular system, from the capture of the colony to the present time. It was true that General Hall had succeeded in checking it, during the few months that he had held the government of the island; and the manner in which he had done so reflected the highest credit upon that officer. His efforts had, however, produced no permanent effect, because he was not supported either in that country or in this. There, his proceedings exposed him to all descriptions of persecution; and his important services coming to the knowledge of the Government, he was immediately recalled. In 1822, the trade ceased to be carried on extensively, because the reduced price of colonial produce did away with the advantage of the traffic. With these exceptions, however, the slave-trade existed uninterruptedly in the manner he had mentioned.—He would now proceed to prove the facts. In doing so, he should find it necessary to produce a large body of evidence from various sources; the evidence of a great number of persons who had held official stations in the civil, military, and naval services; which had enabled them to collect the best information, and to form the most accurate judgment on the subject. He would begin with a person who was engaged in the military service from 1810 to 1817 (cries of name, name). He was not at liberty to name the gentleman at present, but he assured the house that he held a high rank. This officer stated, that "the slave-trade was not only tolerated, but encouraged."

Mr. Canning:—"What! encouraged by the Government?"

Mr. Buxton:—He meant to say, that it was carried on to such an extent, and in such a manner, as reflected the greatest possible disgrace upon the persons administering the affairs of the colony. Another officer (a General) had



stated that the landing of Africans in the Mauritius was frequent, and by no means clandestine; that the whole of the white population were engaged in the trade; and in a letter, dated July 1817, the same officer said that 700 slaves had been landed during the last month. Another officer stated, that during the period in which he had been enabled to make observations on this subject, 30,000 new slaves were landed. A gentleman holding the rank of an admiral, gave a public notice to the local government, in 1812, that the slave-trade should not be carried on there, notwithstanding the encouragement which he saw they gave to it. Captain Lynn had stated officially, that upon his having refused permission to remove 400 slaves, belonging to French owners, from Madagascar to the Mauritius, on the capture of Tamatave, the Governor afterwards gave them leave; and under the pretext of transporting those slaves, upwards of 1500 were introduced into the latter island. A captain in the navy also stated, in 1816, that cargoes of slaves were landed in open day at Port Louis. A gentleman who had been on the coast of Africa at the same period, said that 1300 slaves were then waiting there for exportation to the Mauritius, and that 20,000 were expected, for the same destination. At the Seychelles, another officer stated that the slave-trade was carried "on under his nose, and in spite of his teeth." The statements of the acting collector were to a similar effect, as well as those of the chief commissioner of police, from 1812 to 1815, and of his successor from the latter period to 1823; with this additional fact, that whenever any one besetted himself to put it down, the attempt inevitably led to the ruin of the individual who made it. He now came to the evidence furnished by the accounts of the governors; the first of whom was the hon. genl. opposite (Sir Robert Farquhar), the second Gen. Hall, and the third Gen. Darling. Gen. Hall stated that the slave-trade had reached a most daring pitch; that the offenders carried on their practices with the greatest effrontery, owing to the collusion of the authorities, and the readiness with which the criminals were suffered to escape; that the opulent colonists connived at the infraction of the laws, and threatened the destruction of all who attempted to enforce them. As a proof of the great importation of slaves which must have taken place, there was, in 1819, an excess of 40,000 slaves over the number of registered slaves in the island. The testimony of Governor Darling, who succeeded Gen. Hall, was the more valuable, as he went out on the principle of adopting a system in every respect opposite to that of his predecessor—he reversed all his orders, and restored those who had been dismissed from office, and had been engaged in opposition to his measures. Yet he was obliged to admit, in confirmation of the statements of Gen. Hall, that every effort was made in the colony to prevent the practical operation of the laws for putting down the slave-trade. Thus then, in support of his statement, he had the admissions of both these Governors, besides the testimony of the naval, military, and civil officers, all deriving their information from the different sources which the discharge of different duties gave them an opportunity of collecting.—He proceeded to observe, that it was not consistent in us to require of France that she should observe the treaty relative to the slave-trade, which had been agreed upon between

that country and England, unless England herself observed it. In a conversation on this subject, the Duke of Richelieu observed, in reply to the observations of Sir Charles Stuart, complaining of some infraction of the treaty on the part of France in a neighbouring island to the Mauritius (Bourbon), that if the French agents were to direct their attention to what was passing in the Mauritius, they would have at least quite as much ground of complaint for an infraction of the treaty on the part of England.—He would now call the attention of the house to the number of vessels which had been captured, and the returns of the slaves that had been found in them. He should be able to shew that, in many cases, these vessels had been long and regularly engaged in the trade. It was equally capable of proof, that many other vessels had been similarly engaged, which as yet were not seized. But these would be facts rather of detail, to be made out before the committee; and for the present, therefore, he should simply confine himself to the fact, that, up to the period he stated, 44 vessels had been actually taken. As to the actual introduction of slaves into the Mauritius, between the years 1810 and 1824, he had distinct evidence of no less than 99 disembarkations. His evidence he had from persons of all ranks—persons resident in the colony, officers, private soldiers, who had witnessed the transactions of which they spoke. One witness, a soldier, of the name of Higginson, deposed, that, in 1821, he was stationed in the Mauritius, upon the estate of a Mr. Telfair. This Mr. Telfair was a person of consideration in the colony: he was private secretary to Sir R. Farquhar; public secretary of the colony; curator of orphans; and registrar. Higginson's deposition was, that being, in June, 1821, upon this gentleman's estate, he saw a vessel, manœuvring off shore, in such a way as induced him to think she was a slave-trader. She was a vessel belonging to Mr. Telfair, commanded by a man named Lewis, who was Mr. Telfair's servant; and from that vessel he saw a considerable number of slaves disembarked upon Mr. Telfair's estate. This was the deposition of one individual: he (Mr. Buxton) had others in abundance, whose evidence went still farther, to produce before a committee. Several soldiers would be produced, who swore distinctly (so notorious was the practice) that they had received directions from their superiors not to pay any attention to the disembarkation of slaves. One would prove that he had actually gone to his officer to state that he knew where a disembarkation was taking place: the reply was, that he should mind his own business, or he would be punished for interfering in what did not concern him. He (Mr. Buxton) wished to state nothing which he could not fully establish; but it was stated to him that one soldier had actually been flogged for such interference. Gentlemen must not suppose that because he had spoken of private soldiers, his evidence was confined to persons of that rank; but it was necessary to take those who had facts within their knowledge—where witnesses were wanted—without reference to their rank. A colonel in the army, now in this country, would tell the committee—he (Mr. F. Buxton) had it in the witness's own writing—that he had tried every thing in his power to stop the slave-trade whilst he was in the Mauritius, but that he found the attempt only brought down persecution upon him; every thing that he did was looked on



with an evil eye; all authority was against him; until, at length, finding he could do no good, but that the effort would end in his own ruin, he was compelled to desist, and almost to connive at the disembarkations. And the house would observe, he (Mr. Buxton) spoke now only as to the disembarkations which had been noticed; nay more, only of those as to which he believed he had direct and irresistible proof. From the nature of the coast, landings upon landings might always be effected with very little danger of detection; and he had proof which could scarcely be doubted, as to a vast variety of transactions to which he had not adverted. Captain Lynn spoke of the arrival of one brig, with 200 slaves on board, from Madagascar. A general officer, who had commanded in the Mauritius, declared that, on one night, he saw such a multitude of vessels approaching the coast, that he took them to be an invading French fleet, and actually called out the military; this fleet turned out to be a fleet of slave-traders, from which an immense number of slaves were disembarked. A third person, a collector of the customs, wrote in 1814, that in some gales which occurred about that time, seven slave-ships had been lost. Another gentleman, a colonel in the army, being in the Mauritius in 1819, wrote—"Seven vessels have been equipped for the slave-trade from Port Louis this year." As to the fact of the introduction of slaves, there could be no moral doubt. A chief justice of the island had declared that he found the whole population decidedly in favour of the trade; that they considered it meritorious, and assisted, as far as they could, all persons who were concerned in it. Of a great number of soldiers and officers who had witnessed proceedings of this description, some were now dead, others were still in the Mauritius. The finding witnesses as to matters which had taken place at a great distance, either of time or place, was always a matter of difficulty; but dismissing all cases which could not be proved past denial, he might say, as the result of his statements, that twenty persons were now ready, in this country, to be produced, who would prove the fact of 99 disembarkations, and that 44 vessels had been captured actually engaged in the trade. Of these, one had been found with 1000 slaves on board, others with 300 and 400; the number, upon the whole, could hardly have fallen short of 20,000. These facts, as it seemed to him, resting as they did on direct and positive testimony, formed more than each a ground for the appointment of such a committee as he desired.—There were, as hon. gentlemen would know, who had turned their attention to the subject of colonial legislation, certain peculiarities in the state of the settlements in which the slave-trade existed, which were not found in those colonies in which it was at an end. The first point in which the difference was apparent, regarded the number of the two sexes. In a colony where the slave-trade existed, the number of males (Negroes) always greatly exceeded that of females: in colonies, where no new slaves were introduced, the numbers were equal. This was a fact as to which there could be no dispute; the state of our West India islands, at the time of the dissolution of the slave-trade, fully showed it. One of the first arguments of the planters against that measure had been this inequality—the excess of males. They had declared that the population never could be kept up, from the

scarcity of women. The reply of Mr. Pitt, which was fully affirmed in the event, had been—"Get rid of the trade, and your population will speedily become equal." The truth was, that as long as the trade existed, a great excess of males was imported. Now, let the house observe how the shutting out of foreign supplies had operated: of sixteen islands, in twelve the females exceeded the males in number; in four, the males were rather more numerous; but, in the whole, we had a slave-population of 715,385 negroes; 355,949 of which were males, and 359,436 females, giving an excess of women over men of 3487. Now this circumstance alone would afford almost conclusive proof that the slave-trade had been carried on, and to an immense extent, in the Mauritius; for the males there were 41,000, and the females 22,600. In the dependencies of the Mauritius, in the Seychelles, the case went beyond this; there were five males there to one female.—He would now allude to another circumstance. In every colony where the slave-trade had ceased, the majority of the slaves were Creoles—negroes born in the settlement. In the Mauritius, the majority was not of native-born negroes, but of foreigners. The best evidence that might have been had upon this head was certainly wanting. In two of the West India colonies he had got the numbers divided—the Creole slaves from the foreign; but in the Mauritius he had not been able to get this done, because the register was kept imperfectly—fraudently, no doubt, and for the purpose of avoiding investigation. The next best evidence, however, had been obtained; and if not so formal, it was practically perhaps as good as the registry: this was the advertisements of estates for sale, in which the negroes belonging to them were described. No reasonable ground for misrepresentation by the settlers in these advertisements could be supposed; and if there were any deception, it would be likely to be in the calling foreign negroes Creoles, because the native-born were the most valuable; but, taking the mass of advertisements, the number of foreign slaves in the Mauritius seemed to be three to one over the Creoles; while in the West Indies, the proportion was three to one the other way. In the Seychelles, where the registers had been kept separate, this difference was still more extraordinary: in the Seychelles, of 6500 slaves, 5500 were foreign, and 1000 native; while in the two West India colonies which he had mentioned, out of 95,000 negroes, the foreign were only 10,000, and the Creoles 85,000. He was aware that the slave-trade had been abolished in the West Indies earlier than in the Mauritius; but that fact was wholly unequal to account for such an immense difference in the condition of the two settlements. Another circumstance, strongly indicative of a continued importation of slaves, was the increase in the production of sugar. In 1810, there had been hardly any sugar grown in the Mauritius; in 1819, about 500,000 lbs.; but, in 1822—the last year to which his (Mr. Buxton's) returns referred—the exportation had been 30,000,000 lbs. Here was a production—increased more than five times over, since 1819, and all along upon a heavily falling market, and without any diminution in the produce of other articles. This circumstance, coupled with the facts which he had already detailed, became important. But the fact of the seizures at the Mauritius alone

—the absolute seizures—was proof sufficient. How did the West Indies stand—what captures had been made there? At the Bahamas we had had 115 slaves seized; at the Cape of Good Hope, 8; in Jamaica, 40; in Barbadoes, 3; in St. Lucia, 7; in Trinidad, 8; in Grenada, 3; in all the rest of the West India islands not one: while in the Mauritius the seizures had been 2420 up to March 1822; an amount ten times exceeding those of all our other settlements put together. Some of the seizures in the West Indies, too, had not been seizures of imported slaves, but had arisen from mistakes in passports.—The state of the registry, in the Mauritius, was an additional fact, if any farther proof were needful. Not one of the really important regulations of the registry system had been carried into execution in the Mauritius. There was a strict injunction to register the marks by which different slaves were distinguished. The object of the order was, that it should be known from whom slaves were purchased, and from what estate they came. By comparing these marks, the accuracy of the terms and the practices pursued in the acquirement or disposal of slaves might be checked. The returns from the Mauritius had omitted this in 99 cases out of 100, and they consequently afforded no means of discovery whatever. He should produce a register from the Mauritius before a committee of the house, in order that the members might see that such registries were kept only to cover the slave-trade, and were never used for any other purpose. The population of the Mauritius, according to the census taken in 1816, amounted to 87,360 souls. There had been no returns made, according to the orders in council, either for the years 1817 or 1818. In 1819 the returns made the population amount to 20,900. In 1822 the return was only 7000 and odd. There was a penalty of 100*l.* enacted by law, for every case of false return. The extremes of these returns, between 1816 and 1822, were 87,360 and 7000 souls. The difference was consequently 80,000. The penalty of 100*l.* for each error would amount, upon this difference, to no less than 8,000,000*l.* The Government ought at least to recollect, that every slave not correctly returned in the registers, was forfeited. He must also state, that, according to the law, every slave, who had been imported into the island, since 1800, was free. By the laws of England such slaves were emancipated, and, without the grossest violation of that law, they could not be returned to the planters. He believed that there were between forty and fifty thousand slaves of this description. To prove the extent to which slaves had been forfeited, by this violation of the registers, he would refer only to the return from Calthorp. This return, since 1816, had made the slaves amount only to 250. He could produce witnesses to the house to prove that they had seen the introduction of new negroes upon the estate, and others would give evidence to establish the fact, that from eight to twelve hundred negroes had been seen upon the property at a time. For the treatment of the unhappy people in this island, if he forbore from adverting to it, it was only because he wished, in the first instance, to confine himself strictly to the proof that the slave-trade was there broadly and openly carried on. Every state of slavery would necessarily be a state of oppression: but the atrocity of the system was always found to increase where a ready market existed, from

which fresh supplies of the commodity could be procured; and the details of those horrors which were of constant occurrence in the Mauritius, would surprise even those to whom the atrocities of other settlements were familiar. The very private soldiers who had served upon that station, spoke with disgust and indignation of the scenes which they had witnessed; but the depositions of these persons would go before the committee for which he was moving; and in the meantime, therefore, he should confine himself to the fact of the existence and notoriety of the illicit trade. The internal state of the colony showed it in a degree which seemed to make denial almost ridiculous, and showed that the importation must be extensive. The slave population of Port Louis, in 1818, had been returned at 11,000. An officer whose duty it was to keep a register of slave burials, returned, in six years, 6500 dead; rather more than half the whole number: and yet (would the house credit it?) by the last returns the population appeared to have increased. No doubt, it had increased. The only question was, from what quarter had the increase been derived? Again, in the Seychelles, the French accounts, in 1812, made the slave population 1200. Now, in less than eleven years, this population had grown up to 6740. In the interim 2000 had been exported to the Mauritius; and an illicit exportation had been going on, which might at least be calculated at 2000 more. The hon. Governor (Sir R. Farquhar) had stated, that the slave population in the Mauritius had, within a few years, been reduced 25 per cent. But this statement was not borne out by after inquiry. It appeared that, in 1815, the number of slaves registered was 45,000; but when an examination took place in 1818, three years afterwards, the number of slaves in the island was 87,000; being 42,000 more than appeared to have been registered, and who must have been brought in surreptitiously. In the same way the Governor had represented that there were but 3000 slaves in the Seychelles in 1815; but in 1818, when a census was taken of the slaves there, the number was found to be 5500, being an increase of 2500 in the course of three years. It was almost incredible that such things could be done in the present day, and under British officers, but such, nevertheless, was the fact. The hon. Governor said, in one of his despatches to Lord Bathurst, "I am a friend to mankind, and therefore an enemy to the slave trade." Nevertheless, the hon. gent. said, in another despatch, that "the slave trade does not extend to the Mauritius; but if it does, it should be recollected that we have guaranteed to the inhabitants their customs and religion, which customs comprise the slave trade." He farther said, (and here he was mistaken), "we have allowed the slave trade at Trinidad;" and he went on to argue, that as it was allowed at Trinidad, it ought, *a fortiori*, to be permitted at the Mauritius, "where slavery is the very soul of the existence of the people."—After recapitulating the sources of the evidence on which he founded his case, the hon. member observed, that in bringing forward this subject, he had carefully abstained from the slightest attempt to run away with the feelings of the house: he had simply adhered to facts.—With respect to the course pursued in procuring slaves, he had applied to a captain in the British navy, Captain Moresby, for information. That gallant officer declined



giving information on certain points (he hoped it would be the last time such information would be allowed to be refused), on the ground of secrecy; but added, that there were some circumstances within his knowledge which he felt himself at liberty to communicate. The Black traders were in the habit of going up the country with a quantity of trinkets, and stopping at the least suspected point: a village was then marked out for plunder; in the course of the night they surrounded it—set fire to it—attacked the inhabitants, killed some, wounded others, and seized upon the remainder as their prey. They then selected such as were fit for sale, and tying them together, drove them along the road at a pace little short of a run, in order to keep pace with the horseman, who held the cord, by which they were tied together. They were secured with their hands behind their backs, and hurried along like a drove of cattle to Smithfield. One young woman, who had, for the first time, become a mother, had her infant with her, but the brutes finding the child too young to be of use, flung it into the burning cottage from which its unfortunate mother had rescued herself and it, and she was doomed to witness its destruction (hear, hear); but he would not harrow up their feelings by entering into the horrible and disgusting details (hear, hear). The Arab boats were inconvenient and unwieldy; in these boats the negroes were literally stowed in bulk; there was then placed over them, and within two or three inches of their persons, a number of planks, and a second tier of negroes were there stowed in a similar manner, and so on until they were raised above the gunwale of the vessel (hear, hear). According to one account, the unfortunate creatures were huddled together, in a sitting posture, and in this state they were beat with a club until, to use the words of the narrator, they were actually wedged together in one mass of living corruption (hear, hear). Another captain, with whom he had recently conversed, had informed him, "that the stench from a vessel, whose cargo of slaves had been thus stowed, was such that he did not think it safe to breathe the air of the hold, even several days after the slaves had been removed." And the unfortunate slaves were conveyed in this condition—how far did the house think?—a distance of 1500 miles (hear, hear). But this was not the extent of the evil. It should be known, that for every slave brought into the Mauritius, two or three perished in the capture or transit. This was a question deeply affecting the interests of humanity, and not less affecting the national honour; because the conduct of this country, in winking at the slave-trade in the Mauritius, was an apology for that infamous trade all over the world (hear, hear). Five weeks ago, notice was taken in the Chamber of Deputies of a vessel from Nantes having been seized with implements on board, which proved that she was fitted out for the slave-trade; and a report, most favourable to the cause of humanity, was made by the committee to whom the subject was referred. But at the next sitting, Mons. Dudon, a native of Bourbon, rose in his place, and said "It is very true, we do encourage the slave-trade, and we do so in imitation of the English." Let the legislature act in earnest—let them prove to the world that this country did not tolerate the slave-trade—that it was not guilty of that wicked connivance which was charged against it by foreign states.

Let the house investigate the subject, and declare whether the information on which he called upon them to proceed, was true or false. If it were false, he would suffer himself to be branded as the worst libeller in the world; if it were true, let punishment fall on the wretches who had been concerned in the slave-trade, and let it fall more heavily on the more prosperous and more highly-elevated wretches who had connived at such nefarious proceedings (hear, hear). The hon. gent. concluded by moving:—"That a select committee be appointed to inquire whether the slave-trade has prevailed at the Mauritius, and to what extent, and the causes thereof; and to report thereon to the house."

Sir R. Farquhar said, that, until he heard it, he had no idea whatever of the scope, object, and tendency, of the hon. gent.'s speech, or the extent of the facts to which he had thought proper to call the attention of the house. The hon. member had brought forward a motion which included a period of 16 years, taking care, however, to direct the attention of the house to the early period of that space of time, and keeping out of sight the last six years, relative to which he could not bring forward, much less substantiate, a single fact, except the solitary one which was before the house last year. The hon. member professed not to found this motion on papers which he had moved for, and which were not yet before the house; and he (Sir R. Farquhar) would assert that the whole of the hon. member's argument would have fallen to the ground—that he would not have had a leg to stand on—if those papers had been printed. But according to the course usually adopted by those gentlemen who acted with the hon. member, he took that opportunity to rouse the feelings of the house, by bringing charges against the colonies, without allowing gentlemen to have the documents before them which had been moved for. The hon. gent. having failed last year in a similar endeavour—supported as he then was by the West India interest, for the petty consideration of an advantage which such a course seemed to promise in the sale of their sugars—having been at that time completely defeated, now requested that the house would join with him in a voyage of discovery for 16 years back. Charges had that evening been made against him (Sir R. Farquhar), arising out of circumstances (supposing the facts to be correct) that had occurred when he was 4000 miles off, and for which he was neither responsible nor accountable. The attack upon himself he treated with utter disregard. *Tantum imbellis sine letu.* But a gentleman had been alluded to (Mr. Telfair) in whose behalf he would say a few words. The charges brought against that individual, he believed to be totally false. He came to that conclusion from his long experience of that individual, and from the knowledge which his greatest enemies had of all his actions. They had the power, if they thought he was doing wrong, to search all over his estate for the proof of his guilt. They had the opportunity of examining every slave on his plantation. If those persons had not acted in this way, what was the inference? That they had no grounds for accusation or complaint. [The hon. bart. here read an extract of a letter from the Chief-Judge of the Mauritius to General Hall, in support of his position.]—As to what had been said relative to the proceeding of Captain Lynn, at Tamatave, it was very easily explained. When that place



was given up to us, the inhabitants were possessed of a certain number of slaves, who of course proceeded with them to the Mauritius. This point had, however, already been set at rest. In a review which favoured the principles of the hon. member—*The Edinburgh Review*—an apology had been made, and justice had been done to him (Sir R. Farquhar) in consequence of an error which the conductors of that publication had previously fallen into, with respect to this transaction.—Before he proceeded farther, he must protest against confounding (as the hon. member had done) the Seychelles with the Mauritius. The Seychelles consisted of an archipelago of many islands, and were a thousand miles from the Mauritius. Under these circumstances, he could be no more responsible for what was done there, than the British Government could be for any transactions at Gibraltar (hear, hear).—The next observation of the hon. gent. was, that there were 40,000 more slaves in Mauritius than had been registered, and this supposed fact he endeavoured to establish by various proofs. He (Sir R. Farquhar) had never denied, and indeed it was admitted last year, that up to 1820, when he returned from his Government, there had been several extensive debarkations of slaves. When, however, the hon. gent. asserted, that so many as 40,000 slaves had been fraudulently introduced into the Mauritius, he (Sir R. F.) must withhold his belief of it. In the early part of his government, fraudulent importations had been made; but though he had not brought it down with him, he had in his possession a memorandum, in the hand writing of the French General, Decaen, a very able and intelligent officer, in the following terms:—"The Returns of slaves at the Mauritius are 59,000, by the tax-roll, but to my certain knowledge, from information I derive from my Commissaries and others, there are 80,000 slaves in the colony." This was almost decisive upon the point; and it was, besides, to be recollected, that the Law of Registration was very defective, and that, although it might be applicable to other possessions, it was very unfit for the Mauritius: it could no more be applied to all the colonies, than a cobbler could make one last suit the feet of all his customers. Allowance ought besides to be made for between seven and ten thousand slaves carried off in 1819 by the *cholera morbus*.—The hon. gent. had next called the attention of the house to what he termed the appearance of a whole fleet of vessels off the coast, which had induced a Colonel to call out the troops, under the apprehension of an invasion. Afterwards it turned out that the supposed fleet of enemies was only a fleet of slave traders. The fact was, that they were two small vessels, with about 150 slaves, and were seized, prosecuted, and condemned. The hon. gent. said that some vessels engaged in the trade brought a freight of 1000 slaves each to the colony. If he had reduced this calculation, and said a 100, he would have spoken within reason; for the vessels engaged in the slave traffic were chiefly small schooners; and, however closely they might be packed, the largest would not hold more than 150 or 200, and others not more than 75 or 80 slaves. The grossest misrepresentation had been made upon this point on both sides. In the *Morning Chronicle* he had read a paragraph, bearing the stamp of a certain mint, which asserted that 70,000 slaves had been illegally introduced into the Mauritius, and that

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they were thrown upon the coast there in the most open way. It went on to add, that the slave trade was carried on from the Seychelles, where the slaves were taught French for six months, after which they were brought to the Mauritius with impunity. The whole was a most incredible story; but both statements could not be true: either the slaves were not thrown upon the coast in the most open way, or, if they were, it could not be necessary to teach them French (hear). With respect to the disproportion of the sexes, it appeared, by a return he had obtained only two days ago, that the annual diminution of 5 per cent. no longer existed, and the disproportion of the sexes was less than it had been. He (Sir R. F.) had himself visited the plantations and habitations of several individuals, and found that the sexes were well paired, and that the population was proceeding in the regular course, so as to enable the colony to flourish without the introduction of fresh slaves. It was impossible to ascertain in what way the problems of the hon. gent. were to be solved. If the population increased, the charge was, that the effect was produced by the illicit introduction of slaves: if, on the other hand, it decreased, then it was owing to the barbarous treatment of the negroes (hear, hear). As to Mr. Higginson's story, it appeared to him (Sir R. Farquhar) that all that individual represented could be most easily and naturally explained. He saw a schooner and blacks going backwards and forwards in boats. The planters were obliged to employ schooners for the transit of their produce, and that produce was conveyed on board by means of slave sailors, who, of course, went to and fro to unload or load the vessels. Nothing better than suspicion had been advanced by the hon. gent.: but the fair inference was, that what Mr. Higginson saw was only the exercise of honest commerce in a legal manner.—With regard to seizures by soldiers, positive orders had been sent out from the Horse Guards that soldiers should not be allowed to seize, as they were not competent to do so, but that they were only to give information to a magistrate, who was to carry the law into effect. Such a decision was founded on wisdom and prudence. He begged also to observe, in allusion to another part of the hon. gent.'s speech, that no comparison could be fairly instituted between the West Indies and the Mauritius. The former had long been prepared for the change in the law by the debates in Parliament, while the inhabitants of the Mauritius were in ignorance upon the subject, and as a conquered French colony it could not be supposed favourable to the abolition of the slave trade. The hon. gent. had given great importance to what was really a very trivial matter—the letter which he (Sir R. F.) had written. When he went to the Mauritius from India, nothing was known regarding the new regulations for slaves, and under such circumstances it was very natural for the inhabitants to ask whether they might be permitted to obtain a proportion of female slaves. He remembered that he had not tolerated it; he felt that the slave trade was abolished in the island the moment the British flag was hoisted in the colony: but he saw no reason why he should not submit the question to Government (hear, hear). It was true that there had been an increase in the planting of sugar; but perhaps the hon. gent. was not aware that this was the only plant which could

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be propagated with advantage in the Mauritius. The hon. gent. could not have been aware of the dreadful hurricanes and tempests that swept at times through this colony, tearing up the firmest and the loftiest trees, and not leaving a single cocoa or cotton-tree standing. Under these circumstances, it was natural for the colonists to turn to the cultivation of sugar. The hon. gent. brought forward a statement of the number of slaves on whom bounty had been paid, up to the year 1822, but he took care in that statement to omit the two last years, for he no doubt recollected, that since 1822 a number of seizures had been made, but they were chiefly French. The hon. gent. had drawn a very lamentable picture of the slave trade. He (Sir R. Farquhar) hoped the hon. gent. would do him the justice to believe, that he never could bring himself to advocate a slave trade: and as to the Arab hordes, whatever excesses they might have committed, there never was any treaty with them for the removal of slaves. The hon. gent. had avoided to notice the good which he (Sir R. Farquhar) had effected during his stay in the Mauritius, while he, *per contra*, was at all times ready to admit that much was due to the hon. gent. for his unwearied exertions to put down the slave-trade. He (Sir R. Farquhar) had also contributed his best exertions to produce a similar effect; and he was happy to say, that owing to those exertions during his residence in the Mauritius, the French slave-traders were entirely shut out from trafficking on the eastern shores of Africa, where there was no market for slaves, except at the Portuguese settlement of Mosambique. To be sure, the trade was openly carried on by the French, in the Isle of Bourbon; but they were obliged to resort to the West of Africa, the East being shut against them. Every measure of his Government, with respect to the slave traffic, had for its object to put an end to that trade. But he had not thought it expedient to tell those, who had been employed in the trade, that they were mere felons, wishing to avoid irritating the people. His object had been to produce a just moral feeling on the subject, in the minds of the people; and, in point of fact, the principal persons who were engaged in these slave expeditions were renegadoes and pirates. From the anomalous state of the law, he did not think it prudent to proceed with the utmost severity. And yet, when the judges at Bourbon, at the time it was in our possession, refused to recognize the act of parliament, for the Abolition of the Slave Trade, he had suspended the whole bench until he brought them to a better temper. He had done every thing in his power; and as to the abuses which he could not reach, he left them to be corrected by higher authorities as they arose. The hon. bart. then read a letter, the last which he received from Sir Lowry Cole, in which a belief was stated that the people of the Mauritius were not all concerned in the slave traffic; and added, on the authority of Captain Owen, that the slave-trade was at an end, as far as respected the Mauritius and its dependencies. As he had endeavoured to improve the moral feelings of the people, for the purpose of putting an end to the traffic, so he had adopted measures against it, in concert with Radama the King of Madagascar, and the Imaum of Muscat, so as to meet it at its source. Radama had conducted himself in the most admirable manner; and his sound and enlarged views

would do honour to any European monarch. The measures which he had thus adopted had been attended with the most important results, and succeeded much better in checking the slave trade than the schemes of the hon. gent. (Sir R. Farquhar) and his party. The authorities of the eminent officers whom he had mentioned, were certainly as good as any authorities which the hon. gent. could produce; and certainly somewhat better than that of Byam, a farm-servant, whom he had with him at the Mauritius, and who endeavoured to collect accusations against him on behalf of the hon. gent. to be addressed to the hon. gent. at the sign of the Rampant Horse, at Norwich (a laugh). The hon. bart. then read a letter from Sir Robert Barclay, stating that there was not a word of truth in the villainous report about the slave trade being carried on at the Mauritius. Mr. Veitch, an authorized British agent at the island of Bourbon, in a letter, dated Nov. 1825, stated that in that island the slave trade was openly carried on by the French; and that as his (Sir R. F.'s) measures had confined the trade of the east coast to the Portuguese settlement, several ships had brought slaves from the west coast of Africa to the Isle of Bourbon.—From the West coast of Africa to the Isle of Bourbon! In conclusion, he would refer to a letter from his friend Mr. Thomas Clarkson, which, after complaining that Sir Lowry Cole had taken away the pensions from the Missionaries at Madagascar, expressed a hope that the treaty with Radama would be fulfilled, which he considered would be of infinite benefit. He could assure the house, that nothing but this most unexpected attack could have compelled him to trespass upon them so long. He had had so little time to prepare himself, that he had been able to make only pencil notes, which did not always assist him. He relied on the protection and indulgence of the house, and he was perfectly prepared for the fullest inquiry into his conduct (cheers).

Mr. W. Horton could not help regretting that the hon. gent. had not thought proper to refrain from casting imputations upon the hon. bart. until the whole case should be distinctly before the house, when the members of the house would be enabled to judge for themselves. As far as they yet knew, the measures which the hon. bart. had adopted, appeared the best that could be taken, for the purpose of putting down the slave-trade; and he hoped that the house would at least pause, till an inquiry should be made, the papers printed and circulated, and the whole matter thoroughly sifted. Now, in this discussion, a period made a great difference, and, therefore, he requested the hon. gent. to state the period up to which the slave trade had, in his opinion, been carried on at the Mauritius?

Mr. Buxton:—Up to 1824.

Mr. Horton denied that it had been carried on in any general manner there since 1814. All the information supplied by the Governor, or received by the Government, tended to shew that the Slave Trade there was at an end. That the trade had existed there to a great extent, must be admitted; but it was a question, whether it was better to check and destroy it, by encouraging a better feeling among the inhabitants, or by exerting an extraordinary power beyond the laws of the island. As the hon. gent. had brought forward the subject, the inquiry was not limited in time, nor confined to any practical

object; it comprised numerous details, implicated many persons, and embraced a great mass of information; he could wish, therefore, that he should limit it as to time, and state more specifically into what circumstances he meant to inquire.

Mr. *Buxton* had no hesitation in stating that it was his object to get the whole body of evidence on this subject before the house. He contended, that in 1810, 1811, and every subsequent year up to 1824, the slave-trade had prevailed at the Isle of France. He could prove that it existed in 1824.

Mr. *W. Horton* admitted that the papers would prove that the trade had not been extinguished in 1818; but the point was, whether the Government of the Mauritius knew that the trade continued, and the papers must show it. He hoped the hon. member would limit his inquiry, or the time of the house might be wasted to no purpose.

Mr. *Buxton* was surprised at the slight notice taken by his hon. friend of the enormities he had brought under the notice of the house. Was it a waste of the time of the house to inquire whether these enormities existed? The Slave Trade was still carried on, and was it not the duty of the house to put a stop to it?

Mr. *Canning* said that he might have objected to the motion of the hon. gent., on the ground of the want of limitation as to time, and because he called on the house to vote for an inquiry without the papers being before it; he might object, too, on the ground of his statement being so vague, so general, and reflecting upon individual character; but as the grounds upon which he put it were national grounds; as he had understood him to say that the continuance of the slave trade was countenanced by British authorities, when endeavours were making by us to inspire into France and other countries a portion of the spirit which animated Parliament on this subject; after this public accusation against the local government and against the country,—not against the ministers of the Crown (for he admitted their efforts to eradicate the evil), but he charged the country, and undertook to prove that charge;—after this, he thought it would have an ill effect in foreign countries, if Parliament were to show a disposition to refuse inquiry. He should not therefore offer any obstacle to the motion.

Mr. *Brougham* remarked, that if charges were levelled at all, they were levelled at the country, and the authorities in the island. He thought that enough might be seen on the face of the papers they were in possession of, to justify the house in going into an inquiry. He would vote simply on the facts before the house, and on the credit of the evidence which his hon. friend had promised to produce.

The question was put and agreed to, and the committee appointed.

### *Slavery in the West Indies.*

TUESDAY, FEB. 28.—Lord *Palmerston* presented a petition from the University of Cambridge, praying for the gradual abolition of slavery, and observed, that it was gratifying to find that those seats of learning, which formed the nursery of our future statesmen, had felt so acutely on a system totally at variance with the principles of the British constitution, and directly opposed to the spirit of that religion which, as ministers of the Church of England,

they were in the habit of inculcating. He trusted that Parliament would not rest satisfied with what it had already done; but would secure a prospective abolition of this inhuman practice. No one was wild enough to expect that this could be done at once: but if the resolutions of 1823 were carried into full effect, there would be a fair prospect that the object would gradually be attained. It was painful to see the opposition which these resolutions had met with from the colonial legislatures, although their interests had been most tenderly treated; it was, however, to be hoped that they would now duly appreciate the friendly feeling which had been evinced towards them, and no longer attempt to retard a measure which it was not in their power ultimately to defeat.

WEDNESDAY, MARCH 1.—Numerous petitions were presented, praying for an amelioration of the condition of our colonial slaves, and the gradual abolition of slavery. On presenting one from the inhabitants of Tamworth,

Mr. *W. Peel* stated his entire concurrence in the prayer of the petitioners. Some measure for the improvement of the condition of the slaves was necessary in order to a gradual abolition of slavery altogether. Amongst other laws entailing great hardships on the slaves, he thought one peculiarly odious; it was that by which a slave could not be admitted as evidence in capital cases, where the evidence of a white person could be procured; so that, according to this law, if a white man were guilty of murder in the presence of slaves, and only one white person besides the murderer were present, that white man, even though he were the murderer's brother, would be received as a witness, while the testimony of all the slaves present would be excluded. This practice called loudly for redress.

Mr. *F. Buxton* presented a petition from London and its vicinity, which was signed by 72,000 persons; a proof, he said, of the great interest which this subject had excited throughout the country. He should take this opportunity of inquiring what course Government intended to pursue respecting it. The question had been first agitated in 1823: and at that period ministers had stated that it was a subject too delicate to be managed by an individual, and that it had better be placed in their hands. Those, by whom it had been brought forward, consented to this proposal, and it was accordingly, on certain conditions, transferred to the care of Government. On this occasion, the rt. hon. gent. (Mr. *Canning*) had professed views on this subject which did not differ from his own (Mr. *Buxton's*). The rt. hon. gent. concurred in thinking the system a most inhuman one, at variance both with Christianity and the principles of the Constitution, and by moving a series of resolutions, which were adopted by the house, had pledged it to an immediate amelioration, and a gradual abolition of slavery. He must admit that ministers had, in conformity with these resolutions, issued orders in council to the colonies, and done their utmost to secure their adoption; neither could it be denied that these orders contained excellent regulations: they provided for the admission of negro evidence—the legalization of negro marriages—the abolition of Sunday markets—the regulation of the punishment of the whip—that females should be subject to no corporal punishment whatsoever—that slaves should not be sold separately from their families—that manumia-



sion should be rendered more easy—that the property of slaves should be rendered more secure; and that they should have religious instruction. He should be happy to add, that these orders had been as effectually carried into execution as they had been ably devised. When the *rt. hon. gent.* first proposed his resolutions, he seemed to apprehend that he should meet with considerable opposition in reducing them into practice; he then declared that if he found such opposition too formidable for him, he would come down to Parliament for assistance. That the colonial legislatures had totally refused to co-operate in effecting the objects recommended by those orders in council, was now matter of notoriety. In none of the colonies had any thing towards the accomplishing of them been done; in some of them, certainly, something had been attempted, but it had been coupled with other measures so pernicious in themselves that Government had felt it its duty to reject them altogether. In Tobago the law respecting evidence had been a little altered, and the market-day had been changed from Sunday to Thursday. In the Bahamas the sale of negroes apart from their families had been prohibited. But these alterations were accompanied with a re-enactment of measures, wearing all the worst features of the old system. In Barbadoes, the legislature had attempted to alter the law of evidence. In Jamaica, two insignificant acts had been passed of some trifling advantage indeed to the negroes, but of much more immediate advantage to the masters. In Antigua, Dominica, Grenada, Montserrat, Nevis, St. Kitt's, Demerara, St. Lucia, the Virgin Islands, and St. Vincent's, nothing had been either done or attempted. These facts fully convinced him that if any thing was to be effected, it must be effected within the walls of that house, and that Parliament must either take this matter into its own hands, or wholly renounce the pledge it had given. He earnestly wished to avoid any angry expression of his feelings; and the expedient he had hit upon to give utterance to them, without running the risk of exciting irritation, was to conclude by reading an extract from a speech of the *rt. hon. gent.* (Mr. Canning), which far more eloquently explained his sentiments on the subject than he could himself state them. The eloquence of the passage, however, was its least praise. The prophetic spirit by which it was dictated entitled it particularly to the present attention of the house, who would find that every apprehension expressed in it, had unfortunately been realized:—"Trust not the masters of slaves in what concerns legislation for slavery! However specious their laws may appear, depend upon it they must be ineffectual in their application. It is in the nature of things that they should be so. Let, then, the British House of Commons do their part themselves! Let them not delegate the trust of doing it to those who cannot execute that trust fairly. Let the evils of the slave trade be remedied by an assembly of freemen, by the Government of a free people, and not by the masters of slaves!"—That was the language which the *rt. hon. gent.* had, on a former occasion, addressed to the house, and which he (Mr. Buxton) would again address to them on the present occasion, knowing that no language he could use would exercise a more powerful influence over them.

The petition was then read; after which, at the instance of Mr. Canning, the following reso-

lutions passed by the house, on his motion, on the 15th of May, 1823, were read:

"That it is expedient to adopt effectual and decisive measures for meliorating the condition of the slave population in his Majesty's dominions.

"That through a determined and persevering, but at the same time judicious and temperate, enforcement of such measures, this house looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his Majesty's subjects.

"That this house is anxious for the accomplishment of these purposes, at the earliest period which shall be compatible with the welfare of the slaves themselves, the safety of the colonies, and a fair and equitable consideration of the interests of private property therein.

"That these resolutions be laid before his Majesty."

Afterwards, the Clerk read the resolution originally proposed by Mr. Buxton:

"That the state of slavery is repugnant to the principles of the British Constitution, and of the Christian Religion, and that it ought to be abolished gradually throughout the British colonies, with as much expedition as may be found consistent with a due regard to the well-being of the parties concerned."

Mr. Canning then spoke as follows:—"I wished not only to have the resolutions read which I had the honour of moving, but the resolution which was originally proposed by the *hon. gent.* himself, and by the unanimous voice of the house superseded by mine, because, as the *hon. gent.* has referred to what I said as to the existence of slavery being incompatible with the principles of the British Constitution, and the spirit of the Christian Religion, I am desirous the house should understand in what degree I agree with that proposition, and in what degree I dissent from it. Undoubtedly no man can affirm that the state of slavery is consistent, in the abstract, with the principles of the British Constitution. Still less is it accordant with the mild and benignant spirit of Christianity; but as the resolution was originally moved by the *hon. gent.*, it was an obvious inference, that the incompatibility of slavery with those principles, and with that spirit, was of such a nature as to take away the exercise of all discretion from Parliament, as to the mode of removing the evil. It was to be abated at once as an intolerable nuisance. Gradual means were discarded as unfitted for the occasion, and the whole system of slavery was to be destroyed by the general voice of the community, as a state of things which religion could not endure, nor the Constitution suffer one hour longer to exist. I am exceedingly unwilling to discuss the principles of religion in a place where religion ought rather to be referred to, than directly brought into debate (hear, hear). But I must say, that though the spirit of Christianity, in the course of ages, gradually extirpated the slavery it found every where prevailing, yet, I believe, the precept is no where to be found, which proscribes it as absolutely unlawful. In various countries, it consisted with that state, and never, by its early teachers, was declared to be essentially incompatible with it. If, therefore, the proposition mean any thing beyond an expression of religious feeling, it is not true. So with regard to the British Constitution: if



it be contended that slavery cannot co-exist with it in any part of the king's dominions, the proposition is undoubtedly untrue; but it surely is not untrue, that the freest parliament of the freest country in the world has knowingly, and with its eyes open, tolerated in parts of its dominions the existence of slavery, more or less modified, and for more than a century afforded it both countenance and encouragement. Do I therefore contend, that it is not our duty to make those changes, which are conformable both with the spirit of our religion, and with the principles of our constitution? Certainly not. The difference between the resolution moved by the hon. gent. and that by which it was superseded, was, that his allowed no pause, and admitted of no qualification. The resolutions adopted by the house, on the contrary, recommended gradual measures. They proposed to attain their object by a prudent and cautious advance, and not, by setting up a principle, to overthrow at a blow a system which religion has tolerated, and the Constitution has permitted to grow up under its protection. The house must see that they are pledged not to a course by which they would have to cast aside all consequences, but only to that mode by which they can arrive at their end by the quickest and safest road. They are to aim at their object by practicable measures, and to travel towards it by slow degrees. If the conduct of Government be judged with reference to the resolutions unanimously passed by the house, and not by the spirit and tendency of the resolution which was superseded by them, I hope to satisfy the house, that, going upon the principles laid down in those resolutions, we have not been unsteady in our measures, or unmindful of the cause to which we stand pledged. Those resolutions were passed in May 1823. Copies of them were immediately transmitted to the several colonies in the West Indies, and in the first instance we attempted, by exhortations, to induce them to act upon the principles of the resolutions, leaving to themselves entirely the mode of action. It was undoubtedly most desirable that the colonies should have begun the work of melioration, without the necessity of coercion on the part of government (hear, hear); and I did hope, at that time, that that most desirable result would have been attained, and am now ready to admit that I have been disappointed (hear, hear). The following year I stated to the hon. gent. and to the house, the expedient to which Government had resorted in their first disappointment. That expedient was to embody in an Order in Council those measures which appeared most necessary for the reformation of the negro population. This Order in Council was carried into effect in those colonies in which the Crown had power to act without the concurrence of a local legislature. To the other colonies it was also sent, with an urgent recommendation that its principles and forms should be adopted by the Acts of their own Legislatures. That recommendation, the hon. gent. says, has been totally without effect; nothing has been done any where in pursuance of it; in some places, worse than nothing; and the result shews, he contends, that parliament is compelled to resume the delegation it had made of its powers to the Government, and take steps of its own for the more quick and precipitate accomplishment of its object. On the last occasion, when this question was discussed, it is true that I stated, that if a spirit of con-

tumacy appeared on the part of the colonies in the shape of a determined resistance to the views of Parliament and the recommendations of Government, I would not hesitate to come down to this house, and ask for the powers necessary to quell the opposition. I do not deny, that I meant to imply, that if such a case did arise, I would advise that we should enforce what they contumaciously resisted. The whole question between the hon. gent. and me is, whether that case has arisen, and whether it is now necessary that Parliament should take back the powers they have entrusted to the hands of Government, in order to adopt a new course of a more direct and precipitate nature? Though I see much to blame in the conduct of the colonial legislatures, I am of opinion that the case of contumacy has not arisen. I do not deny that I have seen symptoms which have alarmed me. I do not deny that I have seen indications of a spirit, that may in time become a spirit of contumacy: but I will hope to the last; I will carry my forbearance longer perhaps than reasonably I ought, before I precipitate a step which necessity only can justify, and which must be pregnant with consequences, I should be sorry unnecessarily to bring either on this country, or on the colonies (hear, hear). As to the conduct of Government, the points in the order in council are, I understand, on the whole, those which the most sanguine friends to the abolition of slavery, consider such as it is most prudent and useful, in the first instance, to submit to legislation. I have not heard it intimated that there are any points which even the West India interest consider to have been rashly introduced. On the other hand, I have not heard of any material omission tending to the prejudice of the slave. There may be shades and gradations, which, in a more mature stage of the question, I might be willing to push to a greater extent; but, as to the substantive matter of complaint, nothing, I believe, of importance, was omitted. The order in which the subjects may be stated is this:—In the first place comes the regulation for insuring religious instruction, and keeping hallowed the sabbath; secondly, the admission of negro evidence; thirdly, the legitimization of marriages; fourthly, the security of property; and fifthly, the facilitation of manumissions, as well by the purchase of the slaves themselves, as at the will of the master; sixthly, the prevention of the sale of slaves detached from the estate; seventhly, the non-separation of families; eighthly, the moderation of punishments, and the abolition of flogging, as a stimulus to labour; ninthly, the abolition of flogging altogether in the case of females; and tenthly, the institution of saving banks.—With respect to the regulations recommended in the orders in council, I find, by the latest returns, that the recommendation as to religious instruction, has been modified, more or less, by different colonies; but out of twelve, eight have taken cognizance of it. Respecting the receiving of slave evidence, seven out of twelve have either adopted the recommendation now, or have had such a regulation prevailing. On the subject of marriage, I fear that five only have done any thing towards forwarding the recommendation. As far as regards the security of negro property, eight have taken cognizance of the order in council, or had established some security before. In regard to manumission, seven had either the recommendation carried into a more



or less perfect state before, or have adopted it now. The recommendation respecting the non-separation of families and slaves, I am sorry to say, only four have adopted; but to the adoption of this recommendation, the obstructions which exist are rather of a legal than a moral nature; and the removal of the difficulties does not depend on the colonial legislatures themselves. Eight have adopted the recommendation for mitigating the severity of general punishment; and, with respect to the corporal punishment of females, I am sorry to say, the recommendation has only been listened to by five, although it is by far the simplest and shortest, and cheapest mode, by which a disposition could be implied of complying with the wishes of Parliament, and which I had thought there was but one legislature could have hesitated to adopt (cheers). Of all the cases which can be imagined, this is an instance of refusal which can be explained upon no other ground than a disposition to fly in the face of the legislature (cheers). In the only remaining instance, and the most difficult of execution, that of the establishment of savings banks, the recommendation has been adopted by two only (hear, hear). This is the information which has been received.—The question now before the house for discussion—not indeed before us with a view to any practical effect, however—the question between the hon. member (Mr. Buxton) and myself is, whether the period has arrived when the conduct of the colonial legislatures has assumed a resistance so obstinate as to render it necessary for us to abandon the course we have already pursued, which, to a certain degree, has produced beneficial results; and whether, in fact, we should stir at the present that great question, upon which, if necessity should arise, I shall have no hesitation in expressing my opinions—I mean the question of legislating for our colonies (hear, hear). I cannot pretend to deny that the late proceedings in the principal colonial legislature—the principal, I mean, in point of wealth and extent—have filled me with sentiments which I do not wish to express. I confess, that when I remember the many trials which have taken place in that colony, and the instances in which life has been taken away, justly, so far as the existence of the imputed crime, but on so small a portion of unquestioned evidence—when I contemplate the result of those trials upon such evidence, and see that in Jamaica a Bill for the Admissibility of Slave Evidence was thrown out—a measure in which the question of human life is concerned (cheers)—when I witness resolutions so sanguinary—I cannot refrain from imploring the legislature of Jamaica to wipe away the stain without delay. On private information Parliament could not proceed—but on private information it might become the duty of Government to hesitate in acting on a decisive measure; and from some circumstances which have come to my knowledge, I have the greatest hopes that, in the next session of the colonial legislature, an act will pass to accomplish this object. I cannot pledge myself to the fact, nor can I lay before the house, what, to my mind, appears conclusive of the chance that such an event will take place; but I have seen documents and received information, and have examined an analysis of the division upon which that bill was rejected; all of which lead me to hope, that, in the next session, such a bill will pass (hear, hear). I am anxious to give

them another chance for that desirable consummation, which we all should rejoice to see take place. I am desirous to give space and rest for a fair trial; but I am not at variance with the hon. member (Mr. Buxton), except as to the question of degree. If due advantage be not taken of that space and rest which is permitted them, it may then become the duty, if not of Parliament to take out of the hands of Government that trust which I hope they have not unfaithfully deserted, at least of Government to call upon Parliament to arm them with additional power (cheers). It would not be answering the question of the hon. gent. if I did not state, that during the remaining interval it is the intention of the Government at home to take such steps as will bring the intentions of the colonial legislature to a fair trial—it is the intention of Government to direct the introduction in each legislature of a bill, in the next session, embodying the orders in council, so as to ensure the acceptance, rejection, or modification of the recommendations which they contain.—The house will then understand that there are three gradations in the course which has been pursued. 1st. The vote of this house was sent to the colonial legislatures, coupled with the recommendation of the Government to accede to the principles which that vote comprehended. That having been refused, the Government drew up an enactment of its own, enforcing those points in which it had the power, and recommending those in which it had not the power, at least in which it did not exercise its authority. That having failed, we now propose that a bill, founded on the principles to which this house has acceded, should be sent to each colonial legislature; and upon that bill they must come to some decision, subject to the various modifications which the different circumstances of each colony may require (hear, hear). I should be therefore extremely sorry that the course of experiment should be disturbed, for I am persuaded that there exists in the colonies not only much resistance, but misconception; and if gentlemen will only remember how frequently it has happened that questions most plain to the understanding, and dear to the wishes and best feelings of the country, have taken a series of years to make their way in the British Parliament; they will not consider three experiments too much to influence a colonial legislature to adopt a system, in the resistance to which they feel their personal interests concerned (cheers). In many cases, too, they expect some compensation equivalent to what they consider the deterioration of their property. I am at a loss to know what deterioration can arise, except by withdrawing the service of their slaves by compulsory manumission—their compensation in that case they would find in the appraisement of the slave so withdrawn from their ownership. But in the case of the general amelioration of the condition of the slave, compensation is not to be given (cheers). Their best compensation they would find in the increased value of the slave's labour—in his increased happiness and comfort—in his elevation from the condition of a brute to a state approximating the dignity of man (loud cheers). Many of the objections which now exist may be done away with in time; the experiment is at least worth making; and I should much regret that Parliament should take any step to intercept the chance of a plan, which, if it succeeds, will be much more acceptable than any forcible mea-



sure (hear, hear); and if it should fail, Parliament would at least have the consolation of not having resorted to the ultimate measure until they had exhausted all their expectations of any thing being done by the colonies themselves (hear, hear). The hon. member (Mr. Buxton) has anticipated a part of what I have to say on this subject, by adverting to a speech which I delivered in the last century (a laugh), and has endeavoured to fix me with the opinions of that speech, and to hold me bound to follow them on the present occasion. I own, sir, I have often felt a degree of envy for those men who are not trammelled by responsibility (loud cheers, and laughter), and who can give full scope to the enthusiasm of their nature, throwing upon others the necessity of reducing their feelings within proper limits, and moulding them into the form of political expediency (cheers). I cannot take upon myself to remember all the opinions I delivered at the period referred to. I will not say that I am over prudent now, but I was much less so then; and although I do not quite remember the occasion, I do not mean to shrink from the responsibility; and yet, perhaps, one ought not to be too strictly bound by opinions delivered at so distant a period. I understand that pains have been taken to distribute some extracts from a work of a learned gent. (Mr. Brougham): indeed I have been favoured with an extract from that work, which the learned gent. will, I trust, not be offended by my saying, I have never read until this day (hear, hear); but I think the learned gent. would as little like to stand to some of the opinions contained in it, at the present moment, as I do, to be tied down to sentiments expressed in an early period of youth. Although I cannot recollect the precise period of my ardour, in those early days when I said it would be the duty of the house not to intrust the masters of slaves with the execution of measures for their improvement, I cannot help thinking it must have been on some discussion of the Slave Trade. Then there was no question of emancipation; and as the colonists then maintained, untruly, that the abolition of the slave trade would be injurious to their interests, I rather incline to think it was an answer to some such argument as that, and that I contended, where there was an uncontrolled power, and an unshackled supply, there would be little economy of labour, or of human life. The leader of an army of 100,000 men would be much more likely to rush into inconsiderate enterprises than he who had a little nucleus of 20,000. This, I rather think, was the purport of my argument; but I speak entirely from conjecture. But what I stated then is not inconsistent with what is proposed now. Do I trust to the masters the sole execution of measures for improving their slaves, when I tell them, that if they do not accomplish the object, there are measures behind, which will compel them? Is it not, in fact, trying every thing first, before it becomes necessary to resort to immediate coercion (hear, hear)? Coercion must be applied to confirmed contumacy; but that degree of contumacy has not yet arisen (hear, hear). I do confess, I have seen some symptoms displayed, which the Government would much desire to see done away with. But time may render any extraordinary interference unnecessary; and during the interval which shall be left for the trial of the experiment, I mean to supply an omission, which I am at a loss how it could have occurred at the

Passing of these resolutions; but I mean to propose that these resolutions be communicated to the House of Lords, for their concurrence.—I have now stated the whole amount of what the Government proposes to do. I trust the house will agree with me in thinking that it would be inexpedient to make any attempt at legislating in the present session; but I do so, neither denying the abstract power of parliament, or the possibility of an occasion arising for its exercise; but simply not admitting that a case has arisen to call for its exercise at the present moment (cheers).

Mr. Brougham:—The most important of the instructions contained in the orders in council, without denying the importance of others, was that which related to the manumission of slaves—meaning thereby not the lowering of the duties hitherto paid upon the manumission, but the power of compelling the master to sell the slave his freedom upon an appraisement. The instruction which was next in importance, was that which related to the admissibility of negro evidence in cases where whites were interested. The third in importance was the instruction respecting the whip or driving—meaning thereby not any regulation controlling the power of the driver by limiting the number of lashes to be inflicted at once, but the abolition of the driving system, and the use of the whip as a stimulus to labour. Now, taking manumission, slave evidence, and the whip, in the three significations which he had described, how many of the colonies having legislatures of their own had, up to the present time, passed laws upon these great questions, excepting Tobago and Barbadoes, which had been alluded to by his hon. friend, and which had made regulations concerning them in an act, which was so objectionable on a thousand other scores, that he could almost have wished that it never had been passed. He might also add the same question with respect to the clause in the orders prohibiting the separation of husband and wife, and parent and child, among the slaves.

Mr. Canning, in examining his papers, several times mentioned colonies as having passed laws on the subjects mentioned by Mr. Brougham, and afterwards said that he was mistaken on the point. He was understood ultimately to say, that St. Vincent's, Tobago, St. Kitt's, Dominica, Antigua, Grenada, and St. Lucia, had passed laws permitting the admissibility of negro evidence. With regard to manumission in the sense given to it by the learned gentleman, only one colony had permitted it. The instruction regarding the non-separation of families had been adopted by five of the colonies—by Tobago, St. Kitt's, Grenada, St. Lucia, and Dominica\*.

Mr. Brougham.—But none of them have abolished the whip as part and essence of the driving system?

Mr. Canning.—Yes, in one island, St. Vincent's. In Jamaica the power of taking by bequest, a point of no small importance, had been secured to the slave by the regulations made for the general security of his property.

Mr. W. Smith observed that it was evident to

\* By Parliamentary Paper (214), for which see the volume of *Parliamentary Abstracts* for 1826, it appears that this statement is not given quite correctly. In fact the returns are not quoted with exactness in the right hon. gent.'s speech.

all persons who had read the Duke of Manchester's speech to the Assembly of Jamaica, that it was animated by a spirit of inveterate hostility to any amelioration in the slave system. The Duke of Manchester addressed them thus:—"Another year has been allowed to pass away without your having taken any effectual measure for the improvement of the condition of the negroes. It does not become me to anticipate the result of the disappointment of the British Government, when it learns that the reiterated representations which it has made to you to do that which your own interests require, no less than the comforts of those who depend upon you, have totally failed (hear, hear). In obeying the instructions which I have received from his Majesty's ministers, I earnestly press upon you the necessity of doing something, if not to disarm your enemies, at least to satisfy your friends, and to convince parliament that the urgent representations which the Government, in obedience to its directions, have made to you, have not been entirely disregarded." Had the house, since the arrival of that document, learned that the colonial legislature had shown any symptom of repentance? On the contrary, in that very debate which terminated in the rejection of the instructions contained in the orders of council, by a majority which he would not mention, there was not the slightest symptom of yielding. The contumacy which they then exhibited displayed a spirit which, in his opinion, the *rt. hon. gent.* (Mr. Canning) would find it impossible to subdue by kindness. He might depend upon it that it would only yield to fear or force. If it did not yield to the first, the last must undoubtedly be employed.

Mr. Peel hoped the *hon. member* (Mr. W. Smith) would accept the importance of the interests at issue as an apology, if he considered any apology necessary, for his taking the liberty to caution him against using any language which might throw fresh obstacles in the way of the practical amelioration of the condition of the slaves. If there were any expediency in adopting the course recommended by his *rt. hon. friend*—that of laying before the planters, in mild and moderate, but decided terms, the opinions of Government, and so tempering the measures which they may think proper to adopt, as gradually to bring each West India Planter to the belief that he was advancing his own interests by consenting to improve the condition of his slaves; he thought they should cautiously avoid the use of any language which might irritate the prejudices, or rouse the pride of those from whose benevolent concessions they expected the more readily to carry their intentions into effect (hear, hear). Nothing could be so desirable as to induce the colonists to effect the work of improvement themselves; because their experience and knowledge would enable them to ameliorate the condition of the slaves in a more safe and practical manner than any parliamentary enactments. There were, however, some points upon which he felt much longer delay was impossible, and on which, if something were not done by the colonists, every principle of justice, of common humanity and common sense, would impel the house to interfere (hear, hear). There was one point above all others upon which he could not avoid expressing a decided opinion—the qualification of slaves to give evidence in a court of justice. Of that he would say, that he hoped

not a single session would pass by without the enactment of some regulation. It seemed to him, that any measure through which the courts of justice might be no longer closed against the slave, would ultimately tend to fortify the interests and secure the property of the master. For who were the persons to whom that evidence was to be offered? Why the Whites—a White jury. Could it then be said, in opposition to such a proposal, that those who were to judge of the value of their testimony, were unreasonably prejudiced in favour of the Black population? Quite the contrary: a White jury were in all cases to exercise their judgment as to whether that evidence was or was not admissible (hear, hear). In some colonies the evidence of a slave was already admitted, in cases which did not affect the life or property of his master; and where no White evidence could be procured. But, did the house see the effect of that law? When White evidence could be procured, then the Black evidence was inadmissible; and if that evidence should happen to be in favour of the person accused, then the Black evidence could not be received to prove his guilt, even in the most glaring cases. What he wanted to see was, some principle adopted in their legislation on the subject, so that the responsibility of rejecting a Black man's evidence, should rest, not on the law, but on some known tribunal. Such a measure would be the first step to invest him with those rights which that house considered it right to bestow upon him. And if they were resolved to carry their intentions into execution, and raise the Black population to the rank of human beings—if they were determined to exalt them above the level of brutes—he could not understand any reason why they should delay giving effect to their views, upon the subject of slave testimony, a single moment (hear, hear). The slave was liable to be summoned just in the same manner as an idiot might be in this country; and it should be left to the White jury to determine, when he appeared before them, whether they considered his testimony should or should not be believed; and, for his part, he could not conceive a mind, even the most deeply imbued with West India prejudices, which could see any danger likely to accrue to the life or the property of the White man, by investing the slave with such a privilege (hear, hear).—He would not, at present, go farther into the question: but he thought it necessary to say so much, lest, from the very strong feeling with which *hon. gent.*s seemed to view the proceedings of the colonists, their expressions might have the effect of throwing an obstacle in the way of their attaining the great object which they were all anxious to attain—the practical amelioration of the condition of the Black population (hear, hear).

Mr. Scarlett agreed with the *rt. hon. Sec.* (Peel), that if they were to legislate at all, it would be infinitely better that the colonial legislatures should lead the way. In his earliest years he had imbibed prejudices against the condition of the slave population, and felt the strongest desire to witness their entire emancipation. But he contended, and in doing so he probably differed from the opinions of many of his friends who surrounded him, that they should rather wait even the tardy measures of the colonists, if they could by that means conciliate the masters, than by any language of intimidation, reproach, blame, and more than

all, of threatening, attempt to force a premature and unwilling concession. Such a course would prove an effectual barrier to that object which they had all in view—the permanent amelioration of the condition of the slaves. He would conclude by expressing a hope that the execution of their intentions should be confided still to the hands of Government, who had, it appeared, most worthily fulfilled their trust, and who would, he was convinced, give the most effectual operation to the recommendations of the house, united, as they were, with the desire of the whole kingdom.

Mr. *Phillips* said, he was old enough to recollect a time when the man who hinted at any thing like the abolition of the slave trade, was looked upon as a visionary enthusiast, who proposed plans of ideal happiness for that unhappy race which could never be realized—and yet he had lived to see those very men vote themselves for its abolition, and become zealous in their endeavours to carry their resolutions into effect. So it would be with those who now objected to any further alteration in the condition of the slaves; their prejudices, if not assuaged with too much violence, would gradually yield to the force of reason; and they would see the time when those who now opposed them would return their unmeasured gratitude for their exertions, and call that interference which they now deprecated a great practical benefit. He hoped they would steadily pursue their course, and leave the execution of their intentions in the hands of the Government, who had gone on so prosperously to the consummation of their wishes.

Mr. *W. Horton* said, that if any man gave himself the trouble to examine the protests which had issued from the colonial legislatures, he would find that they all rested their objections to the measures of Government, upon the conviction that their property might be endangered, and their authority over their slaves weakened, by the effect of the new regulations. In proportion as that fear faded away, he was convinced their opposition would abate; as it seemed to him certain, that no abstract love of slavery influenced their actions, either at this time or any other (hear, hear). How far the principles they were adopting had begun to produce the effect anticipated might be, perhaps, best shewn to the house by reading an extract from a letter, dated Jan. 9th, which he had received that morning from Demerara. He should observe, that the writer was one of the most violent opposers of what were called the orders in council, and had predicted the most calamitous consequences as likely to ensue from their execution. These orders, after being tried in Trinidad, came into operation in Demerara, according to the desire of parliament, in Jan. (1826). The letter stated, that after the writer and others had contemplated the approaching change in the treatment of the slaves with great alarm, he was happy to say, that although the whole of the regulations had been carried into effect, there had not been a single instance of any abuse of the liberty bestowed upon the slaves. The writer went on to say, that he had assembled the slaves on his estate, and informed them of the alteration in their condition, declaring at the same time, that all punishments would be entered in the Black Book—that the new stocks should not be used—and that the money which had been destined for the new jail, should be devoted to

the improvement of their cottages. The slaves had promised to conduct themselves, in consequence of these alterations, with propriety and decorum, and he was glad to be able to say that they had not, as yet, in any instance, forfeited their word. He did not mean to say there had been any very long time for trial, but still the letter was interesting as an indication of improved feeling on the part of the planter, and of a disposition to good faith upon the part of the negro. In Trinidad a system of task-work had been introduced, by which the labour which the slave ought to do in a day was calculated; and when he had performed the task thus allotted him, he had all the remainder of his time at his own service. These were gradual steps to the full completion of their wishes; and in proportion as the planter became convinced that the negro might be trusted with more liberty, whilst his own interests remained unaffected, so they had with the progress of that conviction a right to demand an implicit compliance with their commands from the colonial legislature. In Jamaica, where the principal opposition had been made, the protests of the assembly plainly proved, and indeed expressed, that if they could be satisfied their properties would remain unaffected, they had not the slightest disposition to oppose the measures proposed. The house was not, however, to suppose, that because Jamaica was adverse, nothing had been done elsewhere. In St. Vincent's, the Sunday markets were ordered to cease at an early hour in the morning, slave evidence was accepted, marriages legalized, and all punishments for offences registered for the inspection of a magistrate. In Dominica a bill had been proposed, and he had reason to believe would be passed, in which Sunday labour was forbidden and slave evidence received where it was not against the owners. He did not mean to say that such a measure was by any means sufficient; but he mentioned it to shew that there was a disposition to alter the system of treating the slaves, and that if Government were permitted to watch and direct its efforts, the whole of the good they contemplated would in time be effected, without the coercion which some gentlemen deemed necessary.

Mr. *Douglas*, Mr. *Sykes*, and Sir *F. Blake*, supported the prayer of the petition.

Mr. *T. Wilson* was not inimical to the abolition of slavery, but he was not friendly to a measure which would make the slave free at the expense of the master (hear, hear). There were other interests as well as the comforts of the slave population, which it was the duty of the house to consider—long established rights of property, which should be protected. Some hon. gents. were of opinion—an opinion, however, in which he did not concur—that the free labour of the negroes would be as available for the production of the colonies as slave labour. As an example upon this subject, they might refer to what had taken place in St. Domingo, which was formerly a colony very rich in sugar plantations; but, since the change that had taken place in the state of the population there, although the island now produced molasses sufficient for its own consumption, yet the valuable sugar plantations were totally lost. It would be well for the house to consider how the compulsory manumission of slaves would have the effect of injuring the property of the masters. If a person, enlisted into the militia



or army, might, upon payment of twenty guineas, and with the acquiescence of the Commander-in-Chief, procure his discharge, no inconvenience was here felt, as a substitute was found in his stead; but, in the case of a slave obtaining his manumission, the master was left without the means of procuring another. In this event, therefore, his property must suffer a manifest injury. He was, therefore, averse to any compulsory proceeding whatever in any change it might be intended to introduce; or if a compulsory proceeding were resorted to, those who petitioned in favour of it should be ready, as the persons who signed the petition from London were, to defray their proportion of expence to indemnify the proprietors for the loss to which such a proceeding might subject them.

Mr. Grossett having expressed his surprise that the condition of slaves in the East Indies had not excited the attention of those who were so deeply interested in the condition of the slaves in the West Indies.

Mr. Hume said, that the only slaves within the Company's territories in India were dancing girls, who were bought when young for the amusement of rich persons. If, however, any of these slaves ran away from their masters, there was no power in India by which they could be compelled to return. There was, therefore, a great distinction between the state of slavery in the East and that in the West Indies. With respect to the question before the house, there was no man more anxious to see slavery abolished than himself; but he thought that great injury would be done to property, and very little to promote the real welfare and comfort of the slaves themselves, by any precipitate measure. The *rt. hon. gent.* (Mr. Canning) was perfectly right not to pledge himself to any particular time, either at the end of this year, or at the end of the next. It was enough that certain modifications in the system of slavery were taking place, that regulations were gradually introduced, and that there was reason to hope that these regulations would be carried into effect with the concurrence and support of those who might be opposed to any hasty measure. An opinion was entertained, that free labour was more profitable than slave labour; but, as far as the experiments made in the last twenty-three years went, they did not support the doctrine. The slaves who had been brought from America, and located in Trinidad, and to whom money and land were given, did not, by the success of that experiment, induce him to give the preference to free over slave labour. There were also 39,000 slaves, who had been located in Sierra Leone, under somewhat similar circumstances. They would shortly have an estimate of 27,000*l.* laid before them for the erection of a barrack there. In this building, the free negroes were employed at first, but it was said that the *Gov.-Gen.* Turner was soon obliged to dismiss them, as they would not work. If this were the fact, it certainly did not go to recommend the introduction of free labour by any precipitate measure. He was compelled to acknowledge that the zeal of some of the friends of emancipation had led them to commit acts of indiscretion. Prints, calculated to excite the feelings of the multitude, had been put forth (*hear, hear*). One of these prints represented the flogging of females, in the manner in which they were flogged in 1782. He also condemned the habit in which some *hon. gents.*

indulged, of reviling the proprietors of West India property. They were the holders of property, and as such were entitled to protection; but they ought rather to be pitied than reviled; for he owned he considered it a misfortune to possess such a property. It was true, that regulations which might be adopted for ameliorating the condition of the slaves, formed no ground whatever for compensation; but he was decidedly of opinion that compensation would be due to the planters, if parliament should at once take away their slaves.

Mr. Brougham:—It had been said, that charges should not be brought against the West India proprietors. He admitted this, and thought also that we should be cautious of bringing charges against our fellow-countrymen at home. The petitioners had approached the house in the mildest and most temperate language. He had examined, if not the whole, at least most of the petitions on this subject, all of which impressed him with the belief that they touched only upon what could not be doubted—the enormous practical abuses of the slave-system. If he was to single out the strongest cases, he would not resort to the enemies of colonial slavery and those called abolitionists, but to the speeches in the colonial legislatures—to the reports of the commissioners of inquiry. It was there he would find the strongest and most appalling. He did not advocate immediate emancipation, and as to compulsory manumission, he must correct the false impression entertained by an *hon. member* (Mr. T. Wilson); for he merely meant that when the slave was in a condition to purchase his freedom, the master should be required to manumit him, at a price fixed by appraisement. Something had been said respecting his (Mr. Brougham's) inconsistency in advocating, in a work written a quarter of a century ago, opinions which he now opposed. He could only say, that he had not examined the work referred to for some years, and could not, therefore, be sure as to the opinions there expressed; but he would, rather than expose himself to a charge of inconsistency, avow his change of opinion. He still thought that the ameliorating process would be better done by the local authorities; but when so many years had elapsed, when so many pledges had been given to no purpose, it was time to show that this country was to be trifled with no longer. He was decidedly averse to irritating language; and more especially since we possessed the power, and the colonial legislatures were subordinate. Still, he must say, that all that had been promised had ended in nothing. In Jamaica and Barbadoes, if not resistance, at least marked contempt, had been manifested towards the wishes of Parliament. It had been said that we held the language of menace; the term could not be used in the offensive sense; for we merely intimated to the colonists, that if the measures recommended for their adoption did not appear to them fit to be adopted, the house must, as it had the right to do, exert the power of legislating for the colonies. Whilst we were quiet they would be quiet, and years would pass away without any thing being effected; but if they found that ministers, though they would not pledge themselves to any specific measures, would not be unfriendly to plans for doing here what would not be done there, he hoped some benefit might accrue.

Mr. R. Gordon concurred entirely in what



had fallen from the right hon. gent. (Mr. Canning), respecting his intention of trying what further effect the representations of ministers would have on the colonies. In the event of their declining to adopt such measures as were recommended, he, for one, should be ready to concur in any additional measure which might be called for by Government (hear, hear).

Mr. F. Buxton, in reply, said, that satisfied as many gentlemen seemed to be with the declaration of ministers, he could not help being entirely disappointed with it. Delay, while it produced no good, was likely to cause extensive injury. An hon. member (Mr. Hume) had stated, that the advocates for the abolition of slavery had used every effort to prejudice the public mind against the existing system, and had adverted to a print of the flogging of female slaves. He (Mr. Buxton) assured the house, that neither he nor any friends with whom he acted, had the slightest knowledge of that picture; and further, that they could not allow themselves to resort to any such unworthy acts in furtherance of their objects. But if they wished to bring before the public acts of cruelty and oppression suffered by negroes, he assured the hon. member, that they need not refer so far back as the year 1782. They had, in the reports from Berbice and other islands, acts of cruelty which would far exceed any thing described in the hon. member's picture.

The petition was ordered to be printed.

### *Rebel Slaves in Jamaica.*

THURSDAY, MARCH 2.—Mr. Denman rose, in conformity to a notice which he had given on the first day of the present session, to call the attention of the house to certain judicial proceedings which had taken place relative to the trial and punishment of slaves in the island of Jamaica, in 1823, for a supposed rebellion and conspiracy. Although the papers upon which the motion was founded had been ordered on the 1st day of March last year, they had not been laid upon the table until a late period of the session, and he had not had an opportunity of reading them, until some time in the recess. He was well aware how difficult it was to arrest the attention of the house at the present moment of danger and alarm, upon any question not connected with commercial distress, or the state of the currency; but he thought that the subject to which he was about to implore their consideration, was one in which they could do more good than they had been able to effect in all the protracted discussions upon that truly important, but unfortunately ill-understood, matter of inquiry. For as, in the one case, it was difficult to trace the causes of the evils all felt and acknowledged, and still more difficult to apply a remedy to misfortunes which each succeeding discussion seemed to prove more and more beyond their reach or control; in the other he would be able to shew, that they themselves had been the causes of the commission of great crimes, for which they were deeply responsible, and to which it was in their power to apply an instantaneous and effectual remedy. In the one case, they were engaged night after night in discussions, which, from their ignorance of the disease or the remedy, could hardly turn to any practical benefit; while, in the other, they could immediately make themselves acquainted with all the circumstances of the case,

and see that it was in their power to make that knowledge a means of preventing the further commission of deeds disgraceful to the character of the country. If they should shut their eyes to this painful subject, they would be unfaithful representatives of the people of England; who, notwithstanding the distress which afflicted them on every side, had never lost sight of the miseries of the slave population, but had expressed, in numerous petitions, their sense of the necessity of ameliorating the condition of their unfortunate fellow-subjects on the other side of the Atlantic.—The events to which he had to allude, and which took place in December 1823, were detailed in papers which lay on the table of the house. The first instance was that of a trial which had taken place at the parish of St. Mary, on the 19th December, 1823. The circumstance on which this trial was founded was nothing more than that a Mr. Roberts, a butcher, at Kingston, in Jamaica, having occasion to reprove his negro-boy, for carelessness with respect to his person and wearing apparel, a conversation ensued, in consequence of which eight negroes were tried, and afterwards sentenced to be hanged, for a conspiracy; and this sentence was executed four days after it was pronounced. Every one of those negroes died with the most solemn protestations of their innocence, and refused to purchase any mitigation of their sentence by accusing others. The mode in which the conspiracy was said to be discovered, was this—On Monday, the 16th Dec., the butcher, Roberts, scolded his negro boy, William Sterling, for not getting his frocks, and asked him how he would appear to follow him about at Christmas? William said, 'Mussa, you will have had Christmas.' Witness said, 'For what? are the negroes going to rise?' The boy, having an excuse thus put into his mouth, answered, 'Yes,' and by way of keeping up the lie which he had told first, for no other purpose than that of evading the blame of his master, added, that 'his father told him so.' Mr. Roberts then asked him if he had seen the negroes meeting, and the boy answered, 'Yes, two times, but that father told him more than he knew at the meeting.' Witness asked if any of his negroes were among them: he said 'he believed George was.' Witness asked if any more Bay negroes; he said, 'yes, Mr. Walker's Ned and Douglas.' Witness asked 'if he thought they were going to kill all the buckras (whites);' he said, 'his father told him so.' Witness then asked him 'what he must do; should he go to Kingston or Spanish Town?' He answered 'no, negroes would walk all about the country.' Witness said, 'if he should pack up his books, and go to the fort, or Mr. Beard's, would he be safe?'—'No; negroes would walk all about, and Wentworth negroes would rise same as Frontier.' Witness asked 'if they would kill every body;' he answered 'yes, every body; you and Capt. Barton go on board of ship, and take me with you; would not be safe any where else.' Now it would be seen that, in the whole of this evidence, there was not one word said by the negro boy which was not first suggested to him by his master's questions. He did not mean to deny that it was enough to justify the calling out of the militia, or any other measure of precaution; but not the steps which were subsequently taken for the trial of the negroes, who were arraigned upon no other ground. The boy, upon being examined on the trial, repeat-





went to establish the existence of a rebellious conspiracy. Witnesses were not examined who might and ought to have been called; and in the examination even of those who were called, many contradictions were to be found. He would, as an instance of this contradictory testimony, advert to the evidence of Mary and Ned. Ned stated, that the conspirators intended to rise on the day before Christmas-day, but that on his observing that a guard was set on Christmas-eve, they altered the day of rising to Thursday, the 18th of the month. Ned said, that this conversation about the setting of the guard, and the alteration of the day of rising, took place on the Saturday. Mary, the wife of Nibbs, however, stated in her evidence, that the alteration of the day of rising, which Ned stated to have made upon his suggestion on the Saturday, was mentioned to her on the Friday. Similar contradictions were observable with respect to the number of cutlasses, the number of men and women present at the different meetings of the negroes, and indeed upon many other points.—It appeared by a letter, dated Dec. 20, written to Mr. Bullock, the Secretary of the Government at Jamaica, by Col. Cox, who was commander of the militia, and had been called upon to take a part in putting down the insurrection, in case it should obtain a head, that it had been considered necessary that the slaves should be brought to trial—not, the house would observe, for the sake of coming at the truth, but for the sake of example. The Colonel's words were as follow: "I thought it my duty to insist on the magistrates trying the negroes that had been taken immediately, and to send their trial and sentence express, as it will, in my opinion, be highly important for the safety of the parish, and probably the island, that they should be executed before the holidays, as an example to the other negroes, and to prevent the danger of an escape, or an attempt to release them." That was the spirit in which this commander of militia, who had brought the slaves to trial, and sat as judge, wrote to the Governor. It was the duty of the Governor, upon seeing the spirit in which this letter was written, to have paused before he authorized the execution of the slaves. The Governor, however, thought proper to carry the sentence into immediate effect, and the warrant was drawn out for the execution of the eight unfortunate negroes. The letter in which Col. Cox described this melancholy scene was by no means unworthy of the attention of the house. The letter, dated the 25th of December, was addressed to the Secretary of the Government, and ran thus—"I have to acquaint you, for the information of his Grace, that the eight negroes were executed yesterday, with all due solemnity and decorum, attended by the custos and several magistrates, four companies of the St. Mary's regiment, and a troop of horse: only one of the wretches confessed to the Rev. Mr. Girard, that it was their intention to have burnt Frontier Works and Port Maria, and killed the whites; but none would mention any other negroes concerned with them, or show any symptoms of religion or repentance. They all declared they would die like men, and met their fate with perfect indifference; and one laughed at the clergyman, Mr. Cook, when he attempted to exhort him under the gallows. Every thing was at present perfectly tranquil; three companies are on duty in different parts of the parish." He should like to have the report of

Mr. Cook upon this subject (hear)—instead of the inflated and unwarrantable account which Col. Cox had sent to the Government. This was the sequel to the history of the trials at St. Mary's. A boy, in order to save himself from punishment, thought proper to tell a story of the negroes rising, and to connect his father with it; and on that evidence, unsupported as it was by any circumstances of probability, the unfortunate negroes were called to trial without counsel, without the opportunity of making any defence, or calling a single witness even to character; and in the short space of eight days they ceased to live. It was the duty of the house to interpose, and to prevent persons in future, whether slaves or not, from falling the victims of perverted evidence, of ignorance, and of passion, which tended not less to the punishment of innocence, than to the impunity of guilt.—He would now proceed to notice the trials which had taken place in other parts of the island. There appeared to be a taste for plots in Jamaica, so numerous were the charges of conspiracy, and so slight was the foundation for them. At St. James's, a number of negroes were convicted of conspiracy; but the Duke of Manchester was so satisfied of the ridiculous nature of the charge, that he commuted the sentence of transportation for life to imprisonment for three months. The whole affair, it appeared, originated in the idle conversation of a lame boy about 'King Wilberforce' (a laugh). The Duke of Manchester declared, that after reading the whole of the evidence, he had not been able to discover any combination amongst the negroes for any criminal purpose.—The next case of alleged conspiracy occurred at St. George's. In this case, a slave named Corberand, who might in some respects be compared to Titus Oates, was the principal evidence. This man was examined on the 26th Dec. and stated nothing that could in any degree support a charge of conspiracy. On the 7th Jan. however, another slave, named Mack, came into play, and stated various particulars. Corberand, then, finding that there was a demand for a plot, came out with a history equal to any that Oates imposed upon the disgraceful credulity of the English nation. Fortunately, however, he was detected, by having endeavoured to implicate Lecesne (whose case had been already before the house) in the rebellious conspiracy, which was satisfactorily refuted by the equally satisfactory circumstances of his being, for a greater portion of the time, off the island; and for the other part of the time, confined in prison, except for a very short period, during which he clearly shewed that he could have taken no part in the alleged conspiracy. A sufficient proof of the infamous character of these witnesses was to be found in the following recommendation of the Secret Committee of the Assembly, that Charles Mack and Jean Baptiste Corberand should be sent off the island, as persons of too dangerous a character to remain at large in the colony.—He now came to the rising of the negroes at Hanover. It could not be denied that there was something of reality in this case. If the poor negroes at Hanover had been informed of the iniquitous manner in which their fellow-slaves had been thrust out of the world elsewhere, they would not have had the feelings of men if they had not expressed resentment against such a transaction. The insurrection, however, had not its origin in feelings of that nature, but arose out



of the misconduct of the manager of an estate, who abridged the slaves of a day on which they were in the habit of making holiday.—These were the four cases which he had felt it his duty to bring under the consideration of the house. It was a remarkable fact that in all the cases the charges were supported, almost without exception, by the evidence of slaves only. No fact of any importance was deposed to by a free man. And here he would take the liberty of saying a few words upon the subject of the slave evidence bill. That bill, it was known, was rejected in the Jamaica House of Assembly by a large majority; and of the minority, some voted in its favour only for the sake of depriving those whom they supposed to be their enemies of a topic for censure. The bill was brought forward by Mr. Stewart, who said that the reception of slave testimony could alone supply the defect in the present state of the law, by which, in hundreds of cases, not only cruelty, but even murder, might be perpetrated without the possibility of conviction. In order to prove the necessity of adopting the measure, Mr. Stewart stated a case of dreadful cruelty—not one which had occurred forty years ago, but one of recent date. He said, “In this town a white man, a monster of cruelty, concealed a female slave in a room, where, with a hot iron used for burning marks on cattle, he disfigured and mutilated the fellow-being who was so unfortunate as to be in his power. He trusted to the effect of the law which prevented slaves from giving evidence (hear, hear); but it chanced that a young man of colour suspecting what was going forward, peeped through a crevice, and saw the horrid scene. On his evidence the owner of the slave was convicted and punished.” Another fact was related by Mr. Mais. He spoke as follows: “There is one instance which, because of recent occurrence, I must take leave to mention. It is the case of a female slave, who, on her return home, was met by a free man of colour, who had been out shooting. A little dog, which accompanied her, barked, and probably might have snapped at the man. This irritated him, and he threatened to shoot the dog. The woman, alarmed for his safety, called out, ‘Oh! don’t shoot him; don’t shoot my dog!’ upon which the man turned angrily upon her, and said, ‘Not shoot him? I’ll shoot you if you say much!’ and, with little ceremony, lodged the contents of his piece in her side. This was in the face of day, in the presence of many persons, but who, being slaves, were not qualified to give testimony on the occasion. This was a damning fact, and yet the offender escaped. Shall it be said, then, that such a provision as is now sought for is not necessary?” There was, he admitted, much weight in the objections which were urged against the measure. “If,” said Mr. Hislop, a member of the Assembly, “the evidence of a slave were to be received now, he might the next moment be sent to the workhouse by his master to receive a flogging.” It must, indeed, be evident that as long as the present order of things continued, the influence of the cart-whip would be paramount. But when these were the sentiments of the House of Assembly, what was to be thought of a judicial inquiry, at which only the evidence of those unfortunate creatures was received—persons under the immediate dread of the cart-whip, bending their souls as they crouched their bodies under the influence of

terror, and yielding up every function, both corporal and mental, to their masters? Twenty-three slaves had been executed on the evidence of their fellow-slaves. If he were asked what remedy he would apply to such a case, he would reply, he knew of none but the extinction of slavery. Suppose the evidence of slaves was received at the present moment, what good effects could be hoped from it? The slaves, instead of coming before a jury of their peers, would come before a jury of their masters. They would appeal to a law imposed by their masters, interpreted by their masters, and executed by their masters. It was made a matter of accusation against the unfortunate slaves who were executed, that they showed no religious or penitential feeling. Was this to be wondered at? Was it possible, he would ask the house, for Christianity to make any progress amongst the negroes in our colonies whilst slavery existed there? They had been told that these men had died without showing any symptoms of religion or repentance, but exhibiting the utmost hardihood in respect to their crimes. He did not wonder that they should reject the truths of that religion which they saw professed by their persecutors.—These were the circumstances under which he had felt it to be his duty to bring this subject before the house. When he spoke of the abolition of slavery, he trusted that the house would not imagine that he was the advocate of hasty measures (hear); but he thought that ministers should always bear in mind that the abolition of slavery was the goal; that it should be made the ground of their measures. He would now move.—“That this house, having taken into their consideration the accounts laid before them of the judicial proceedings in Jamaica, on the trials of the slaves, for rebellions, conspiracies, and other offences, in the years 1823 and 1824, feel it their duty to express, in the strongest terms, the sorrow and indignation with which they contemplate the perversions of law and violations of justice, displayed in those trials; they deeply lament the precipitation with which sentence of death, wholly unwarranted by proof, was in several instances carried into execution; and they cannot refrain from expressing their conviction of the necessity of an immediate and effectual reform in the administration of criminal justice affecting slaves in that island.”

Mr. W. Horton said, he was not less earnest than the learned gent. in his wishes for the extinction of slavery at the earliest period at which it could be securely effected. It was, however, his duty to guard the house against the observations of the learned gent. which, though true in the abstract, did not bear on the question before them. With respect to these trials, he should state that the Duke of Manchester and the Jamaica Government had been convinced by information derived from various sources, that rebellious intentions existed amongst the slaves on the northern coast of the island; and there could be no doubt that rebellious conspiracies had existed in the parishes of St. George’s and St. Mary’s. That at St. George’s was proved by the confession of the slave Jack, who, at the period of his confession, could have no motive to utter a falsehood; he was on the eve of execution, and was not worked on by any promises of pardon.—But the learned gent. stated that the proceedings in St. Mary’s had been irregular. Was the learned gent. aware of the law which governed that Court?



The Act of 1817, under which the slaves were tried, and which, severe indeed as it was, ought to be the object of censure—not the Court that administered it—provided, “That if any slave eater, or be concerned in any rebellion or conspiracy, to commit murder, felony, burglary, or to break into any out-house, no person being therein, or compass the death of any white person, or attempt the same by any overt act, such slave shall suffer death; and if any slave shall be found to have in his custody any fire-arms, pikes, swords, gunpowder, slugs, or ball, without the leave of his owner, he shall suffer death.” The learned gent, had said, that there was no evidence to justify the punishment of the slaves at St. Mary’s; yet one of the witnesses stated that she saw a black man hold a gun in a particular manner, and take a bayonet from a basket. The constable who searched the premises found the gunpowder and ball, but did not find the bayonet. The learned gent. could not dispute the facts; and such facts being established, could he blame those who put the law into execution? The last clause of the act enacted, that “Any slave present at any secret meeting, or at the taking of any secret oath, drinking human blood with rum, or meeting to learn the use of arms, should suffer death or transportation, as the court might direct.” As a commentary on the remarks of the learned gent., and a proof of the evils inseparable from a state of slavery, and of the state of feeling in a slave country, he (Mr. Borton) could inform the house, that this very act of 1817 was an amendment of one passed in 1759; and, severe as its enactments were, had been pronounced by an individual in his office, (Mr. Stephen, son of the Master in Chancery), to be one, which contained many beneficial clauses in favour of the slave-population. If the Government had not allowed this act to receive the Royal sanction, they would have lost the beneficial clauses, and the old act would have been in force. The learned gent. had referred to the evidence of Colonel Cox, and had endeavoured to hold him up to ignominy. The fact, however, was, that Mr. Cox was the very individual who had introduced the beneficial clauses, which deprived the slave court of the power of sentencing any slave to death, excepting in cases of treason and rebellion. The magistrate who tried these slaves in St. Mary’s had the power to sentence them to immediate punishment, which would have been carried into execution, but for Mr. Cox’s letter, desiring that the case might be sent to the Governor for his consideration. He must acquit Mr. Cox of the inhumanity imputed to him, on account of a letter written in haste, in which he applied the term ‘wretches’ to the criminals. He could confidently appeal to several West India proprietors, on behalf of his character as a humane man. He was a proprietor of slaves; and when he knew that he was endeavouring to promote the happiness of his negroes, it was not to be wondered at that he should feel a little exasperation at finding they were plotting against his life. It had been asserted, that a boy had got up the story of this conspiracy, and that it was all the result of an accidental circumstance. It was impossible that such an hypothesis could be sustained by any man who had read the reports of the trials. The boy had not been aware of the consequences of his evidence, for, in the first instance, he had impli-

cated his father, and when his father was put upon his trial, he denied his former evidence (hear, hear). The inference he drew from this was—the veracity of the boy in the first instance. He did not stand there to justify the law of the island; nothing could be further from his intention; he only said that if the law did admit of extreme laxity of evidence, the fault ought not to be charged upon those judicial functionaries, who had no duty to perform but that of obeying the law. He was sorry to state, that the most unfortunate prejudices prevailed in the minds of the West Indians with respect to their slave code, which a better state of knowledge would eradicate, but which at present were attended with serious consequences. A great part of the law of Jamaica related exclusively to a state of things which no longer existed; to the state of slavery, and to the slaves, when they were imported from the coast of Africa. Such laws were absurd and unjust, mischievous alike to Black and White, when applied to the present state of slave population. It was desirable that the opinion of the country should be expressed as to the propriety of repealing those laws, or adapting them to the present state of things. As to the assertion, that manumission and money were offered as rewards to the slaves for evidence, the Duke of Manchester positively denied the charge. The practice was, to hold out to the negroes, that if by their good conduct or instruction, they could obtain a certificate that they were qualified to give evidence in a court of law, their evidence would be admitted. With reference to the practical evils of the judicial system, there was, at the present moment, a legal commission in Jamaica, appointed by the house, to investigate into the jurisprudence of the island. With reference to the actual trials, the learned gent. should reflect that it was utterly impossible to put on paper the many circumstances which might influence a jury in receiving evidence—the gestulation, the action, the tone, the emphasis. The Duke of Manchester had stated that the trials had been most scandalously reported. If the evidence had been lax, it was the fault of the law; if it was so great an outrage upon justice not to have admitted counsel to have pleaded for the accused, still it was the fault of the law, and not of those who administered it. With reference to the parish of St. George, the evidence of Jack would satisfy every man that there was a conspiracy. This negro had sworn that ‘bad usage had driven him to this crime.’ He stated, that “James Manherty brought up 36 guns, in three turns; each turn he had two mules; on each mule six guns. Corberand then brought up a keg of powder, and carried it to Oliver’s house. Oliver then said it would not do to hide the guns and powder in Balcarras; he would hide the guns, but Corberand must carry the powder to Mullett-hall, and there hide it.” Those were facts, which, if believed, completely proved a rebellious conspiracy. The learned gent. did not deny the existence of rebellion at Hanover; he said that the real history of it was, that the slaves were called together by Mr. Malcolm on a day which had been given to them; but how could a special injury offered to the slaves on Malcolm’s estate account for the rebellion at Golden Grove and Alexandria (hear, hear)? This was not a sympathy in particular suffering; it was a general and unfortunate impression in the



minds of the negroes that injustice had been done them. Great as the evils were, there was no cure but in the progressive improvement of the slaves; and in proportion as that took place, they would no more bear of treasonable practices, which arose solely out of the state of ignorance in which the slaves were kept. As to the non-extension of mercy to the persons convicted in the present instance, the Duke of Manchester felt that an example was necessary to prevent scenes of bloodshed. Even in this country, where justice was administered in a manner that defied commentary and criticism (laughter), it was sometimes necessary to punish individuals with death, by way of example, for crimes which others expiated by a less severe penalty. The Duke of Manchester had acted on the same principle, by aiming, in the exigency of the moment, at striking a salutary terror into the slaves. The contradictory evidence of Corberand ought not to be allowed to militate against his first evidence before the jury. The punishment inflicted, however opposed to our English notions of feeling, had been even less heavy than was authorized by law; it was too much, therefore, to call upon the house to express sorrow and indignation at the result of proceedings so conducted. Nor was it quite just, in estimating what had been done in Jamaica, that hon. gents. should judge entirely from their own feelings, living here in England—out of the scope, as they stood, of that alarm and danger to which the colonists were eternally exposed. Some hon. members seemed scarcely to appreciate the terror with which a West Indian contemplated the revolt of his slaves. This feeling, though it could not justify the severities which had been exercised, might serve to extenuate in Jamaica, acts, from which we should recoil with horror and disgust in England. No one could be more anxious than he was for a change in the slave system; but, as he saw neither the justice nor the advantage of visiting with censure the authorities of Jamaica in this instance, he should move, as an amendment, "That this house sees, in the proceedings which have been brought under its consideration, with respect to the late trials of slaves in Jamaica, further proof of the evils inseparably attendant upon a state of slavery, and derives therefrom increased conviction of the propriety of the resolutions passed by this house on the 15th May, 1823;—But that, however desirable it is that the law under which the late trials took place should be amended, it does not appear to this house to be expedient or safe, to impeach sentences passed by a competent tribunal, upon persons brought to trial according to law, and convicted by a jury duly empanelled, and sworn to give a verdict according to the evidence laid before them."

Mr. Buxton said, that hon. gents. on the other side had uniformly deprecated all such discussions as the present, upon the ground that they tended to keep alive those violent and angry feelings which were said to exist in our Colonies, and were described to have their origin in the agitation of the question of Slave Emancipation in this country (hear, hear). For himself, he was always in favour of those discussions; for no discussion arose in that house on the subject, in which some advantage was not gained, some concession made in favour of the negroes. Even that night, some important concessions were made by the hon.

sec. (Horton), who had admitted, that no such proceedings would be for a moment allowed in this country; and further, his admissions proved, that where slavery existed, impartial justice could not be obtained (hear, hear). Let them look at the series of injustice and cruelties which had been perpetrated within the last three years. First came the trial, he might call it the murder of Mr. Smith, the Missionary (hear, hear); then followed the massacre, he could use no better term, of the negroes at Demerara, for doing or intending only that, as he (Mr. Buxton) firmly believed, which in law and justice they were entitled to do. Then followed the persecution of the Missionary Shrewsbury. Next came the deportation of two free natives from Jamaica; next, the Berbice Papers; and last of all, the proceedings at Jamaica, now before the house. Was it not time, after seeing all this in three years, that the subject should be agitated again? Now he was prepared to make it appear that there had been no plot in any of the affairs at St. Mary's, St. James's, or St. George's. Upon the trial at St. George's three witnesses had been examined—Mack, Hypolite, and Corberand. Now Hypolite's master, Dr. Daron, stated on the trial that Hypolite was a great liar, and had, only a few days before, robbed the man against whose life he was swearing. Dr. Daron said that he had a very bad opinion of Hypolite; and his son, Mr. Charles Daron, swore he would not believe a word that Hypolite could say. The second witness, Corberand, by his own contradictions, proved the material parts of his evidence to be absolutely unworthy of credit. For instance, on his first examination, speaking of what took place before the death of Mr. M'Farlane, he said that he went into a negro hut, where he found an illegal meeting assembled, "because he heard a noise." On the trial of Smith and John, distinctly contradicting his first assertion, he said that he had gone into this hut on purpose to "take the swear." Again, on his first re-examination, he said that the night on which he accidentally heard the noise was the first night of his going to the hut and meeting that assembly, and that the next night was the last. But it appeared that he had been regularly one of the party, and that they had had meetings at a negro-house every week of the year. On the trial of Jack and Prince, Corberand swore, that he saw a negro cut his finger—he afterwards denied that it was his finger, and said that it was his arm—and let the blood run into a bason, where it was mixed with rum and gunpowder, and the negroes drank it. He saw a magician practising his incantations; rubbing the necks of the negroes to make them invulnerable, and their faces to make them invisible: and this magician afterwards offered to catch a musket ball. While he swore all this at the trial of Jack and Prince, on another occasion he had sworn that at the same place, and at the same time, he had seen nothing; and, after swearing that he had heard nothing, he swore that he heard a plan laid to kill Mr. Learmond, the overseer, and the book-keeper, and afterwards to proceed, both up the river and down the river, murdering and burning; besides hearing one man appointed a king, another a general, a third a major, &c. These contradictions were constant; and shewed that Corberand either did not know what he uttered, or did not care. In one place, he said that James Thompson was made king. In another,



he swore that it was Henry Oliver who was king. At one time he spoke of a particular act having been done before he knew Lecesse; directly afterwards it appeared that he had known Lecesse from his childhood. On the night when the "swear" was taken—this was one statement—there was a great anxiety for secrecy. Afterwards, he swore that, on that night when they were so anxious for secrecy, they had marched with a drum and a fife, and with their Governor at their head. The evidence of the third witness, Mark, seemed to be worth about as much as Corberand's. In one place he swore that he had never seen but one gun in the conspiracy, and that in the hands of Henry Oliver; presently after, he spoke of a gun in the hands of a man named Rae. He swore, in one page, that he had left Balcarras three weeks before Christmas, and, in the next, he said that he had been still at Balcarras a week before Christmas. And let the house recollect that this was all examination in chief. There was no cross-examination, or ten thousand contradictions more would probably have been elicited. The whole trial was carried on in a language of which the prisoners scarcely understood a word; and it would be worth hon. gents' attention, in the way of showing what chance these wretches had of escape, to hear the nature of the defences which they made for themselves. Prince, a negro, being tried for his life, said only—this was according to the judge's notes—"Prince, —no business in matters; wood, punish, fear; J. B. C. brought word; never mustered; Jack saw him at Balcarras, made hoops. M. Pl. gave Ct. to negroes to do work, though in the wood.—B. P.—Mul. II.—Lee.—gun—knows J. B. Corberand put bit in mouth to get free; broke his neck; never let master's property; when at home worked at wood; made baskets for salt." Now this was the sort of creature who was hanged for rebellion; and yet in the strange jargon which Prince uttered, there were two words, which, if attended to in time, might have saved his life. He said, that he knew J. B. Corberand "put bit in mouth to get free." There was a superstition among the negroes, that if a man put a piece of silver into his mouth, while he swore falsely, he was free from the guilt of perjury; and the "bit" of which Prince spoke, was a small coin so called, which Corberand actually had in his mouth during the trial; as the jury, in fact, saw; and the thing was so evident, that Corberand was never brought as a witness before the court afterwards. —(On what had taken place at St. James's, he would go no farther than simply to quote the opinion of the Duke of Manchester, who said, "that having most accurately looked into these trials," (upon which thirteen persons were prosecuted). "it afforded him particular satisfaction to state, that he could see no evidence of any combination at Montego Bay for a criminal purpose."—At St. Mary's the peculiarity of the evidence was extraordinary. A boy was produced, who swore, as the other witnesses in the St. George's case had done, to circumstances, one half of which must have been untrue, because his statements constantly contradicted one another.

The *Attorney-General*.—He was not put upon oath.

Mr. Buxton:—If he did not swear, he stated. The court had probably thought it indecent to put such a boy upon his oath. They had not

thought it indecent, however, to call him as a witness to swear away the life of his own father.

The *Attorney-General* desired not to be misunderstood. He merely meant to observe that the omission to swear the witness had been one of the most objectionable parts of the system.

Mr. Buxton:—The whole system was an execrable one, and such as must be got rid of. Now, let the house consider the nature of this boy's evidence. He stated that he was going along the high road, and there he saw a number of negroes publicly plotting a conspiracy; they were doing this openly, and in a place where any person passing might over-hear them. He walked into the midst of the conspirators, and no objection was made to his presence; he offered them his council, they accepted it, and altered the whole of their plans at his suggestion. This was the statement of the boy, William; but he did not stop here; he went on to state, that there was a large concourse of negroes present: the man who deposed to what happened at the same time and place, swore that there were no more than six persons present. The boy stated that there were many women present: the man, that there were none (hear, hear). These witnesses contradicted one another upon material points; and as to collateral evidence, in the way of confirmation, there was nothing like an attempt. The only approach to such testimony was a statement from a Mr. Gordon, that on a particular night he had heard a gun fired, and on looking out of the window he saw two negroes walking with white frocks on; that he heard one of them say "It would not do;" but what "would not do," or what was the subject of their conversation, he could not say. Mr. Gordon, after hearing this, was so violently alarmed, that he went quietly to bed and fell asleep. But apart from the internal importance of this evidence, there was one fact which prevented it from having much effect against the prisoners—to wit, that this circumstance had occurred on the 17th of December at night, whereas the prisoners had been taken up on the 17th of December in the morning. Next came the evidence of the constable; and he was asked whether he had not found guns amongst the insurgents? His answer was, that he had not; but he had found a place where he was told guns had been. Then he was asked if he had not found large quantities of ammunition? And he answered, that he had not. Had he not found a number of bayonets? "No," said the constable, "but I was shewn a basket in which I was told a great number of bayonets had been" (a laugh). He was at length asked, if he had not found a great many balls? He had found a single ball. Mention had been made of the confessions of the criminals. Where were those confessions to be found? The letter of Mr. Cox said distinctly, that only one of the wretches had made any discovery. But where was the confession? Such a confession was not likely to have been lost sight of when Mr. Gordon's story was preserved; and he (Mr. Buxton) would not believe that any confession had been made, until it was produced.—He thought that no man could look at what had taken place upon these trials—at the character of the witnesses called, the nature of the evidence given by them, and the total absence of all counsel or means of defence afforded to the prisoners—without concurring with his learned friend (Mr. Denman) that there had been a

monstrous perversion both of law and justice in the business (hear, hear).

The *Attorney-General* did not rise to justify the proceedings in discussion, for no man could reprobate more strongly than he did the whole system of the administration of justice in our colonies, as far as the slave population was concerned. He could not understand upon what principle the law should be differently administered when the lives of a black man and a white were at stake—why any of the forms and securities should be waived in the one case, which were insisted upon in the other. Nor could it be questioned that at last we must come to an altered state of things, a state in which the slave, upon trial for his life, would be prosecuted under the same restrictions, and defended in the same manner as his master. What was the comparative situation of the two parties at the present moment? If a white person was put upon his trial—no matter for what offence—a distinct charge was necessarily preferred against him, which he would be able to defend himself against, and know how to meet. Now a particular act had not long since compelled the reduction of a charge against a slave to writing; but that act had been accompanied with the sweeping proviso, that no objection should ever be raised upon a point of form. Unfortunately, persons in the situation of the members of that assembly were very likely not to distinguish accurately that which was matter of form from that which was of substantial importance. He did not mean to say, with reference to the present proceedings, that they were illegal under the slave law of Jamaica; but only let the forms of the charges in any of the trials be looked at, and let the house then say whether that system of law could be supported. The prisoners were charged with being guilty—of what?—of “rebellious conspiracy;” against whom? But there was the addition—and “of other crimes.” This left the prosecutor at liberty to give evidence of any crime (no matter how unconnected with the main charge) of which the party might have been guilty. The house, then, would not fail to say, that this system deserved reprobation in the highest degree; and would join unanimously in the amendment proposed by his hon. friend (Mr. Horton), which, while it treated the law as one which could not too speedily be got rid of, discharged those from blame who had only followed the accustomed course in carrying it into effect. He would now call the attention of the house to another curious point—he meant the law as it related to slave evidence. In the case of an accusation made against one of the white population, slave evidence was not allowed. The slaves were supposed to possess no adequate idea of morality—no due notion of the distinction between truth and falsehood; and they were not suffered, therefore, to give evidence against a white man. But let the house mark the extraordinary inconsistency. When a slave was to be tried, the evidence of a slave was admitted against the accused party—not under the sanction of an oath, but on his bare word, he having previously listened to an exhortation not to tell a falsehood (hear, hear). Now, he would ask the house, could a system of this kind lead to the ends of justice (hear, hear)? He did not blame the persons who acted under this system, but he blamed the system itself (hear, hear). The acts of those individuals were only

in accordance with law. Now let the house look at the charge which was made in this case. It was a charge of high treason. The first person called was the boy William. Was he sworn?—No. He was insensible to the obligation of an oath, and yet he was admitted to give evidence to take away the life of a fellow-slave. Here he begged the house to mark another peculiar circumstance. It was a rule of common law in this country (and he always understood that the common law of the country extended to Jamaica), that hearsay evidence should not be received. Yet in this case, hearsay evidence was received to a very great extent. The boy William said, “Sterling, my father, told me such and such facts.” This was the very worst species of hearsay evidence, and yet it was admitted against the prisoner (hear, hear). He understood, that this course of proceeding had been uniformly admitted with reference to Blacks (hear, hear). He condemned this system in its general principle; he condemned it also in its mode of working, as it was developed in the cases before the house (hear, hear). But when he stated this, he must declare his conscientious belief, that the persons who were engaged in those prosecutions were convinced of the existence of a conspiracy; and, in endeavouring to defeat it, it could not be denied that they acted in accordance with the established law, which had existed for 150 years in the colony. He must add, that every body who read the reports of the trials, must perceive that they were very imperfectly given. Indeed, they could form but a very loose idea of the guilt or innocence of the parties accused, from the mere reading of those reports. Those who were present, by marking the demeanour of the witnesses, by observing the conduct of the accused, could form a more just idea of the guilt or innocence of the parties, than any men were capable of doing from the perusal, not to say of an imperfect report, but of the most perfect report of those proceedings. On that point, therefore, some allowance should be made. He objected, as much as his learned friend could do, to the evidence of a son being received against his father. He must observe, however, that this was not illegal, even in this country. He had known instances in our criminal courts, where a son and daughter were sworn to give evidence when the life of the father was at stake. There was another observation of his learned friend on which he wished to make a remark. His learned friend had said, that on one of those trials nothing material was disclosed in evidence, except what was advanced by a wife against her husband. In the printed report, the female, who gave the evidence, was stated to be the prisoner’s wife. He knew, however, and his learned friend must also know, that when, amongst the slaves, a woman entered into cohabitation with a man, it was usual to speak of her as his wife. He had made inquiry into the fact, whether the woman who gave the evidence in this case was or was not the wife of the prisoner; but he had not been able to procure satisfactory intelligence. He admitted that if she were the wife of the prisoner, nothing could be more irregular—nothing could be more contrary to law—nothing could be a greater violation of the first principles of justice, than to suffer her to be examined; but, on the other hand, if she were merely cohabiting with him, it was



not illegal—it was not contrary even to the law of England, as practised in the highest courts.—He must now state, that under such circumstances as had been disclosed, he (the Attorney-General) would not have returned a verdict against those people; but he must contend, that there was no ground for charging those before whom they were prosecuted with any intentional act of injustice. The question was, did they believe that a conspiracy existed? Surely no person who had read the letter of the magistrates to Colonel Cox, which was printed in the minutes, could for a moment suppose that they did not believe that such a conspiracy had been formed. The answer to that letter clearly showed a similar conviction in the mind of Colonel Cox. Colonel Cox was well known, and was highly respected by many members of that house. He was brought up in this country, with English manners, feelings, and habits, and he was a man of known mildness and humanity. But there was other evidence on this point which he considered decisive—he meant the honest persuasion which appeared to fill the mind of every gentleman on the island. He alluded more particularly, to what had passed in the debate in the House of Assembly, on the slave evidence bill. One of the most active supporters of that measure was a gentleman of the name of Evans. No man was, or could be, more anxious to ameliorate the condition of the slaves in the West India islands than that individual; and therefore his persuasion, that a conspiracy existed, must make a greater impression on the house, and on the mind of the learned member himself, than that of almost any other person. Mr. Evans, in his speech, thus expressed himself: “We had the misfortune at the period to which I have alluded, to be compelled to institute important trials for conspiracy.” This, he observed, was the expression of an individual, running in a certain degree the same race as his learned friend—advocating the same cause with the same sincerity, and, he would add, with great and distinguished talents. Mr. Evans went on to say: “The parishes of St. Mary, St. George, and St. James, were the chief scene of the conspiracy. Fifty-four persons in all were convicted, and twenty-three were acquitted. Of those convicted some were executed, some were transported, and some were pardoned. The convictions in almost every case rested on the evidence of slaves; and yet no one supposed that that evidence was defective. Of the number of slaves examined on those trials, only two or three were viewed with suspicion; and their evidence was disregarded, except it was confirmed by other and more credible testimony.” Why did he (the Attorney-General) read this? He read it because it was the evidence of an honest individual to the fact, that he believed in the existence of a conspiracy. And yet after this evidence they were called on to censure 12 men who declared on their oaths that they were of opinion that a conspiracy existed. In endeavouring to introduce a new system, let not the house censure those who carried into effect the old system, if they acted conformably with its provisions, and adhered conscientiously to the law as they found it (hear, hear).

Dr. Lushington said, that the speech of the learned gent. who had just addressed the house, went to the fearful extent of showing, that if the forms of law were but observed—if the

forms established in any one of the distant territories of this country, however revolting to humanity, were adhered to—the House of Commons were prohibited from inquiring, in any case, how far justice had been administered. The learned gent. had dwelt on the difficulty of judging of what had occurred at a great distance, from an incorrect record of the proceedings, and when they had not such an opportunity as the jury had, for sifting and examining the matters alleged against the accused. He, however, looked to the principle which governed those proceedings; and, keeping that in mind, he would contend, that it mattered not whether the prisoners were executed on the evidence of bribed slaves, or of an unsworn boy; they might have been condemned on half the evidence adduced, and the argument of the learned gent. would have been just as conclusive. He (Dr. Lushington), however, would argue, that the first duty of that house was, to see that justice was administered in a strictly impartial manner in the most distant possessions of this country (hear, hear). In those distant possessions, there was an infinitely greater opening for injustice and oppression, than could, by possibility, be found at home. Here, if an apprentice were ill-used, or if any abuse were discovered in a jail, members of that house were ready to start up, to call on ministers to redress the grievance, or, if they found it necessary, to proceed with the case themselves (hear, hear). Now, however, they heard of the execution of six or eight individuals, under most extraordinary circumstances, and they were told, that they were not to inquire into what took place, because, forsooth, it was all in accordance with an old and barbarous system. The evidence which was printed, was the most inconclusive that could be imagined: but then it was exclaimed, “Oh! that evidence was considered quite ample by the Duke of Manchester” (hear, hear). To him it appeared to be the weakest and most illegal evidence he had ever seen. How came it that the Duke of Manchester had authorized the execution of the individuals found guilty upon this evidence, without having it examined by legal men? He might have had the opinion of the chief justice of the island, who would at once have detected the errors with which it abounded. He imputed not to the Duke of Manchester or the magistrates any wilful malice; but he did impute to them great carelessness (hear, hear). The prisoners had been found guilty of rebellion in a great measure upon hearsay evidence, which was never received in this country, and ought not to be received in any of its possessions. In the papers, they would find the information of W. C. Morris, Esq., which ran thus:—“William C. Morris, Esq., states, that Mr. Hole, a non-commissioned officer of the Hanover troops, and others, informed him at Flint River, that the overseer at Magotty, Mr. M'Donald, has informed them, that the driver on the Magotty estate had stated to him (hear, hear), that the Tryall negroes had invited the Magotty negroes to join them in a conspiracy to assert or claim their rights or freedom, but the Magotty negroes had refused to do so; nothing of the kind was intended on Magotty estate by the negroes.” Such was the testimony which led to so melancholy a result. Let gentlemen peruse the letter of Mr. Vaughan. It was strange that any person could act upon such frivolous information.

—“I deem it my duty to make the following communication:—it appears there is a general expectation among the negroes of freedom being given shortly by Government at home. The negroes are every where behaving well, and perform their work as usual, but still entertain this belief. The grounds on which I have formed this opinion I shall now give. Mrs. Fowler, at Kensington, St. James's:—she saw many strange negroes, who talked freely with her that they were soon to be free; she laughed at them, and asked whether, if they had a fowl, they would give it up for nothing? Eliza Tucker, a person of colour, Greenwich-hill, St. James's. —she hired a man from Gilsborough on negro days, who talked much of this free, but said he did not like it, for many negroes would be idle, and quarrel and fight as in Guinea country; and who was there to give clothes, fish, &c.?” Now could any rational being suppose, looking at the samples of evidence which he had quoted, that any insurrection was contemplated, or could be contemplated, by those who were described as likely to be the actors in it? His learned friend (the Attorney-General), after expressing his entire disapprobation of this system, had stated that, on the present occasion, no blame could attach to the magistrates, who had honestly adhered to the laws: He (Dr. Lushington) could not assent to that position. He could not think that a jury of twelve Englishmen, and five magistrates on the bench, unless they were actuated by strong prejudice, or by that fear and cowardice which sometimes compelled men to do injustice towards their fellows, could have returned such a verdict as they had done (hear, hear). The hon. gent. (Mr. W. Horton) had said that none of the persons who gave evidence had been induced to come forward by the influence of bribes. Now, what said one of the resolutions of the secret committee of the House of Assembly?—“We recommend to the house to reimburse to the parish of St. Mary the sum of 376*l.* paid by them for the manumission of certain slaves who rendered essential service by the discoveries which they had made” (hear, hear). Was this likely to produce honest testimony, and were those who held out such temptation seeking for it? After he had stated this, he would ask whether any man living could say that the conduct of the Duke of Manchester, or rather of the Jamaica government, was correct, in proceeding on such evidence? How could they, on the single evidence of an accomplice, corroborated in no one particular, and who had contradicted his former testimony in the course of subsequent trials, proceed to the extremities which they had done? Was there, he demanded, the exercise of that cool consideration which ought to have been employed on such an occasion, before a number of victims were condemned to execution? Yet such was the fact—that sort of evidence was received; condemnation was the consequence, and death followed. There was much more in those trials which filled the mind with disgust and abhorrence. His learned friend (the Attorney-General) had said most truly, that the people of Jamaica were entitled, as their birth-right, to the protection of the law of England. But while they enjoyed it, was it to be tolerated, that there should be another system for the government of their slaves, in which every principle of injustice and oppression was nurtured (hear, hear)? The law of England said, that the judges were considered to be of counsel for the

prisoner: but in the whole course of these trials did they ask a single question in cross-examination? Did Colonel Cox, who had been so highly eulogized, say to any of the witnesses, “Have you been promised your freedom?” or, “Have you been threatened by your master?” Those five magistrates had not the common honesty, or the common humanity, to make inquiries of that kind, although they were essential to the interests of justice. What was the evidence given in the case of Charles Brown by the unsworn boy William, only 15 years of age, and by the boy Ned, who was in the same situation? To bolster up this evidence, they brought forward a white man (one William Kelly), who stated, “I am overseer of Frontier estate; prisoner is a cooper; had been head driver, and was very severe on the negroes, particularly on women, for which witness removed or broke him, and made him a cooper; he was partial in his punishment, and some he punished severely.” Now what, he asked, had this to do with the conspiracy? The fact was, those who prosecuted said, “if you don't believe the unsworn evidence of the boys, if you don't believe the slave evidence, we must give you something to act upon in the shape of the evidence of the sworn witness, Kelly.” This proceeding was entirely contrary to the spirit of English jurisprudence.—He would not, after the able exposition of his learned friend (Mr. Denman), and although the Solicitor-General was waiting to rise next—no doubt to declare that all the proceedings had been as regular and as impartial as in this country—travel through all the discrepancies of this evidence. If they agreed to the amendment, the result would be, that if those in power abroad adhered merely to forms, they would be entirely relieved from the responsibility of doing substantial justice (hear, hear). It was said that one of those slaves (and, be it remembered, one only) had confessed his guilt at the place of execution. Now, he would ask whether that did not occur at the execution in the parish of St. Mary? He would ask whether the graves of the miserable sufferers were not dug beneath the gallows? Whether the clergyman did not offer to spare the lives of any two of them, if they confessed their guilt? And, finally, whether the whole of them, except Charles Watson, did not firmly deny their criminality (hear, hear)? He put these interrogatories thus strongly, because he had conversed with an eye-witness, who spoke positively to the facts. The inhabitants of Jamaica declared the evidence of slaves to be such as, under ordinary circumstances, could not be relied on in the smallest degree. With respect to the European inhabitants of Jamaica, such evidence was altogether excluded; and to say to Watson and his colleagues when on the point of death, that pardon should be granted to any of them who would confess and give information, was neither more nor less than offering a premium to deprive other men of their lives (hear, hear). But it was said, that examples were necessary—that the Duke of Manchester had proceeded thus promptly to avoid any unnecessary bloodshed. He would merely say, that the Duke of Manchester, before he made that example, should have taken care to have established guilt. It was said, however, that there were 20,000 whites in the island opposed to a population of 380,000 blacks, and that if the latter were to make a simultaneous movement, the destruction of the former must be inevitable.



He admitted, that nothing could be more appalling than the character of negro ferocity; but he wished to know whether it was justifiable in a white man, educated in the Christian religion, in cold blood, and in the dread of danger, to wreak signal vengeance on those whom fate or fortune had placed in his power? If they wished to preserve the islands to the empire, and to retain the black population in subjection, let them do justice and love mercy (hear, hear). It was not the negro character any more than it was the character of other men to be continually restless and blood-thirsty. Let them look to the example of Sierra Leone, where 18,000 persons were collected who had formerly been caught wild, as he might say—who had been driven almost mad by their oppressors. He had it from his friend Mr. Hamilton that there were not more than 250 soldiers engaged to keep them in order, and those troops had never been once under the necessity of resorting to force (hear, hear). Let them then resort to those principles laid down by Providence for the good government of man; let them endeavour to impart to the negro a sense of justice and a knowledge of his God. He trusted that time and circumstances were nearly ripe for raising the condition of that fallen race to a state more gratifying to God and man. By an enlightened course, tending to their final emancipation, they might secure the affections of their negro subjects, although they could not govern them by force. He would conclude by exhorting the house, in spite of all difficulties, to persevere in improving the laws of those colonies—in ameliorating the condition of the negro—to do justice, and to punish oppression (loud cheers).

The *Solicitor-General* perfectly concurred with his learned friend (Dr. Lushington) in his generous abhorrence of slavery, and if the resolution of his learned friend (Mr. Denman) had only for its object a prospective improvement in the mode of trial which obtained in the colonies, he might have assented to it; for the amendment of his hon. friend (Mr. Horton) was to that very effect. But the motion of his learned friend did not simply point towards an amelioration of the code—it conveyed a charge of gross malversation against the Governor, the judge, and all other parties concerned in the prosecution of the trials in question. In that he could not agree: he must object to any condemnation of the Governor, the judge, and the jury, for carrying the actual law, which they were bound to observe, into effect. He would give way to no man in his abhorrence of negro oppression. He would have the law modified as to put the slave on his trial, on an equal footing with a free man. But if blame attached in this instance, it attached to the law, to the system of slavery, and not to individuals.—The cases in which a son had appeared against his father—and a wife against her husband, had been dwelt upon as being deficient in the very forms of evidence. Now, he must observe, that there were, besides these witnesses, two others in each of these cases, whose testimony was more complete: so, at least, he collected from the printed papers. His learned friends further objected, that certain three witnesses were not examined, an omission entirely chargeable on the law: further, it was alleged, that the witnesses examined, did not prove the case in a manner which would have satisfied a British court and jury.

But they would not presume illegality in a Barbadoes or a Jamaica court because the jury had not weighed the evidence with as nice a discernment, as fine a sense of justice, and as jealous a regard for the person and liberty of the prisoner, as would have been shown by a jury in Kent, administering the law of England. The hon. member (Mr. Buxton) thought that the exclusion of slave evidence proceeded from a mere prejudice, and expressed his hope that the law in that respect would be assimilated to the law of England. In talking of the prejudices of others, we should not forget our own. Did the hon. gent. recollect that within 150 years no testimony was admitted in our courts from persons who were not Christians? Nay, it was not more than 60 years since the evidence of pagans or infidels was rendered admissible by a decision of Lord Hardwicke. Even at this very period the evidence of Quakers in criminal cases was not admissible. Might it not be said that it was very hard for a Quaker to have his house torn down or pillaged, and not be able to prosecute the wrong-doers?

A Member across the table:—Then let that law be amended.

The *Solicitor-General*:—He had no objection to its amendment (hear, hear). He was certainly in favour of amending the law of the colonies, but he thought we should set the example, and that the amendment of our own laws should precede the amendment of theirs (hear, hear). Agreeing in all the general principles of his learned friends, he could not subscribe to the injustice of punishing, by the censure of that house, individuals acting upon laws, which, whilst in force, it was their duty to maintain.

Mr. W. Smith said, that the learned gent. (the *Solicitor-General*) had not very clearly shown that the admission of the evidence was justifiable, even on the slight ground of technical propriety. But mere technical rules were not the only things to be considered. Was not a juror bound by common sense, as well as by common justice, to notice the incongruity and crudeness of stories going about from hand to hand, and made up into evidence by the mere technical form of having the legal number of witnesses to swear to them? He rejoiced, however, that they had got thus far. He had now lived to see the time when the man was looked upon as one of a strange species, who would pretend that the system either could or ought to continue. This debate would show, that however tardy might be the operations of justice, and however individuals were sheltered by rank or situation, the unerring test of public opinion would be final and conclusive, and the result would afford a wholesome lesson to those in whom power was vested not to abuse their trust.

Sir Robert Wilson:—The Attorney-General had said, that by supporting the original resolution, they would pass a vote of censure on his Majesty's Government in Jamaica. Now he (Sir R. Wilson) conceived that on that very account the house should support the resolution. A vote of censure should not only be passed on the Governor, but on the judge and jury, by whose verdict the lives of these men were taken away; an act which he (Sir R. Wilson) could view in no other light than that of an authorized murder (hear). The law officers of the crown had spoken of the system under which the prisoners were tried in terms of merited reproach. But the house was not aware of half

its horrors. In 1822, one James Simpson was tried at Kingston for having chained down a girl only nine years old, and committing a rape on her person. The counsel for the prisoner, however, took an objection, that being a slave, the girl could only be considered as a chattel; and her evidence could not be admitted. Justice was stayed in consequence; and the case was transmitted to England for the consideration of the judges, who decided, that under the present law, judgment could not be inflicted, and the man was liberated accordingly. Government, however, to do them justice, took the case under their consideration, and a law was framed to prevent a recurrence of such atrocities. But there were instances as heinous and more recent, that called for a vigorous reform. But we were told to pause. Procrastination, however, would not do. The melioration of the condition of the slaves was a common cause, and one which should be pursued independent of political considerations.

Mr. Goulburn said, that with respect to the parties in this transaction, and the motives by which they were actuated, he did not think it fair to censure them, without considering that they lived in a society of which we could know but little; that they acted under the impression that their lives and properties were at stake. He admitted the necessity of reforming the colonial law; but supported the amendment, because the resolution implied, that in the trial and conviction of the prisoners, the court had acted illegally; whereas, the blame should be attributed to the laws themselves, and not to those by whom they had been administered.

Mr. Brougham:—If he could be brought to believe that the amendment would express the unanimous opinion of the house that these proceedings were unjust and illegal, he should not feel repugnant to adopt it. But feeling as he did, that that amendment was an endeavour to get rid of the question altogether (hear, hear), and that the proceedings which were the subject of the present debate, were sought to be screened, nay, actually defended by that amendment, he was determined to resist it with all his strength, and to press the resolution of his learned friend, although he should stand alone in the division (cheers). His learned friends (the Attorney and Solicitor-General), had said, "God forbid that we should defend such measures! They are bad enough: make what you will of them—think what you like—but do not pass a vote, which would imply that those proceedings were deserving of censure. However strange such proceedings might appear, compared with the way in which the laws were administered in England, yet it was the custom of the colonies; and, although it would be illegal here, it would not be illegal there." Now he (Mr. Brougham) did not mean to say that the law of the colonies had been violated, but it had been perverted to the commission of the most cruel and violent injustice (hear, hear). He must observe, however, that the charge against the negroes at St. Mary's was vague and unmeaning, and different from that against the negroes of St. George's and Hanover. In the latter places the indictments were regularly drawn up; the prisoners were tried by a slave court of five judges and twelve jurors, and the requisite forms of law had been complied with; but, in St. Mary's, the proceedings instituted against the unfortunate prisoners were not only marked

with the greatest irregularities, but were conducted and hurried forward with the most indecent speed. Comparing, therefore, the practice at both places, he was entitled to conclude that the mode of proceeding at St. Mary's had been wrong. He was entitled to draw this conclusion from the confession of the parties themselves. Colonel Cox admitted that it was requisite to expedite the proceedings: he said that dispatch was absolutely necessary. Yet in those latter places the danger was more imminent, and the number of disaffected negroes greater. The measures adopted at St. George's and Hanover wore all the appearance of decorum: a grand jury found the bill, solicitors were allowed to the accused, and every indulgence was given them. An objection was taken, on technical grounds, to part of the proceedings; and, in short, the trial proceeded as all trials should do, and more particularly trials which involved the lives of our fellow-beings. How was the trial at St. Mary's distinguished? In one brief tropical day the poor miserable men were put upon their trials, and before the sun went down they were no longer living: undefended, untried, and almost untried, they were hurried to their timeless graves to gratify the headlong impatience of those who wished for an example before Christmas week! After this, were we to say nothing, because we should not cast reflections on constituted authorities (loud cheers)? If danger existed any where to warrant the shadow of such proceedings, the danger was local, and confined to a few places. No earthly pretence could be produced to justify the rash, the headlong impatience of the Governor. He read the vague charge—compared the evidence; yet did he compare the evidence?—could he have compared it, and not have found that it varied in many most material circumstances?—yet calmly, and with his secretary and law officers to afford him their professional assistance, he gave no respite—no breathing time. Good God, breathing time! when men's lives were at stake! But no, the die was cast; and, innocent or guilty, they must be executed before the Christmas holidays. Let no false delicacy—no effort to screen individuals of rank and power—prevent the expression of the heaviest censure. It was due to the house, it was due to the country, to pass such a vote, and he was convinced that it would lead to the most beneficial results. He did not wish to employ harsh expressions towards those on whose conduct he had felt it his duty to animadvert, and therefore agreeing with his gallant friend (Sir R. Wilson) in most of his observations, he could not go the same length, and apply to those unhappy proceedings so harsh a term as "authorized murders;" although, to the fullest extent, he agreed, that great precipitation had been shown. There was a considerable want of firmness displayed at a time when nerve and courage were most wanted. Let the house beware how they adopted a course which went to sanction the precipitancy of persons high in authority, in measures that were irrevocable, and, above all, where they affected human life and the solemn administration of justice. It behoved them the more to secure this supervision, when the impugned acts were alleged to be done in times of alarm (and, indeed, were attempted to be palliated only on account of such alarm), and to express such an opinion as should, at least, prevent



their recurrence under the same unworthy plea. It was time to show these authorities that there were duties of justice imperative upon them; and not alone of justice, but also a solemn prerogative of mercy to administer, which was no less a duty, and no less imperative (hear, hear). This last duty was forgotten in the highest quarter, where, from the station of the individual, and the great trust reposed in him, something better might have been expected than that he should have allowed these cruelties to have been deliberately perpetrated under the sanction of that justice which, tempered with mercy, he was sworn to administer; that he should have allowed them, while men's minds were hurried away by a panic—while they were solely swayed and influenced by a wild apprehension of alarm, which they were determined to check by the most summary examples. If under these aggravated circumstances of undefended and most unjustifiable proceedings, they were prepared to let them pass the ordeal of parliament unrebated—if it should once more go out to the West Indies, that this system of monstrous cruelty and injustice could be perpetrated, not only with impunity but without indignation, then again and again, as long as the system lasted, would such acts be repeated without compunction, and justified by past tolerance, and in vain could they look for the least correction of such dangerous and inveterate evils (cheers).

*Mr. Canning*:—In rising to state the reasons why he approved of the amendment in preference to the resolution, he was anxious to have it understood that he did not yield to the gent. opposite in the feelings which those proceedings were naturally calculated to excite, and that he differed from them only because it appeared to him that the question must be decided upon grounds of a more limited nature. Even upon the learned gent.'s (*Mr. Brougham*'s) own shewing, it would be impossible for him consistently to vote for the original resolution; because that resolution condemned the whole of these proceedings by one sweeping affirmation of a perversion of all law and justice; whereas the learned gent.'s speech discriminated the cases from each other. In order to aggravate the injustice of the proceedings at St. Mary's, he (*Mr. Brougham*) adverted to those at St. George and Hanover, contrasting the latter proceedings with those pursued at the former place. Indeed, so clearly had the learned gent. drawn the line, that if his speech were to have prefaced a motion, it would have applied very differently to each of the three cases which were involved in the present inquiry. But in the amendment, or rather in the resolution—for it had been prepared as an original resolution—what was stated was true, with respect to all the proceedings: for there, whatever might be the shades of difference as to the colouring of the facts, the only proposition pressed upon their consideration, was, that they collected from the whole of these proceedings additional cause for feeling regret at the existence of distinctions in the law, as it affected the lives of the white and black population. That these distinctions in the laws for shedding the blood of two classes of persons, only differing in colour, ought not to endure, he (*Mr. Canning*) most readily admitted—(hear, hear), and the principle of a reform in it should have his support. Indeed, if the learned gent.'s resolutions had run thus, "That this house having considered certain judicial pro-

ceedings in Jamaica, on the trials of slaves for rebellious conspiracy, in 1823 and 1824, deem it their duty to express in the strongest terms their deep regret at their occurrence, and cannot refrain from declaring a conviction of the necessity for an effectual reform of the administration of criminal justice respecting the slave population of that island," he should at once have agreed. But then came these words, "sorrow and indignation at the perversion of law and justice displayed therein," and "sentences of death, wholly unwarranted by proof." From these expressions he (*Mr. Canning*) must dissent: he was not prepared to affirm that these trials were marked by a perversion of law and justice—that the sentences of death had been precipitate. He could not pass condemnatory resolutions upon those who, in the discharge of their duty, were acting under the known provisions of existing laws: nor was he prepared to admit the precipitate execution of the sentences. That was a charge which included two parties—the judges who pronounced the sentence, and the local Government that had confirmed it: respecting the former, they had the power, if they thought fit, to order the prisoners to instant execution, without awaiting any reference to the Government; but they declined to avail themselves of this power, and unnecessarily (he used the words in a legal, not a moral sense) referred the sentence for the Governor's confirmation. So that the bare recital of the fact showed not only the charge of precipitancy to be untrue, but to be directly false as applied to the proceedings of the judges. Then as to the charge against the Governor, how did it stand? The Duke of Manchester, acting in his judicial station, was the representative of the Crown, exercising the high prerogative of mercy. Now he (*Mr. Canning*) could not conceive a more formidable question to have been mooted, than the remission or non-remission of punishment by the prerogative of the Crown, or its deputy: it was at once to launch into arguments upon the most delicate of all human responsibilities; it was to probe a prerogative, the exercise of which must, from the nature of things, be left to the conscience of him who is invested with it. It must be left in his breast unfettered, or it must be taken away.—He meant not to blame the learned gent. (*Mr. Denman*) for the course he had taken; though, if he had thought fit to communicate his resolutions to him before this debate, he (*Mr. Canning*) should have felt much more satisfaction in trying how far he could have agreed with him, than in framing, at the last hour before he entered the house, a resolution such as he could sanction by way of amendment to the proposition. The difference between himself and the learned gent. was confined to the prudence, the expediency, the safety, of censuring by a parliamentary vote, judicial proceedings conducted according to a system of existing law. It was to save the house from establishing such a precedent that he was anxious to have the amendment adopted, because while it would sufficiently tend to correct these disgusting tribunals, it would not create a precedent which might hereafter be used against other courts very differently constituted. In the moral estimate of these transactions, he concurred with the learned gent., but he could not concur in his legal inferences. The transactions were monstrous and disgusting enough, but they were not corrupt or illegal. In endeavouring, while he delivered these opinions to

impose a bridle on his own feelings, he did not wish to restrain those of others; but to ward off an evil which in other times might lead to the worst consequences.

Mr. Denman in reply:—In the first place, he denied that he had withheld from hon. gents. opposite any knowledge of his particular motion: on the contrary, more than a fortnight ago, he had communicated its import to the colonial Sec. (Horton). No partiality to particular phraseology of his own would prevent his adopting an amendment, could his sense of duty permit him to concur in the amendment proposed. He had early in the evening regretted his inability to do justice to this subject, and had truly anticipated that his defects would be abundantly repaired by his learned friends who were to follow him. The hon. gents. opposite had also come to his aid, so as very much to narrow the point in contention: upon all the strong points they were agreed, and were now only disputing upon a quibble. It was stated, that the lamentable proceedings were justified by the laws of Jamaica; but he would ask by which of those laws were they bound to bring these parties to trial within two days—to try them without the assistance of counsel—without having the opportunity of calling a single witness? Where was it enjoined that a wife should be admitted a witness against her husband on his trial for his life? If the law did not absolutely compel them to adopt such a course of proceeding, then there was here a gross perversion of law and justice: and his resolution was founded upon this, that, although some form of law had been preserved, it had been perverted in principle. It was a perversion of the law to precipitate execution under a sentence resting on proof upon which no human beings ought to be condemned. It seemed, however, that this woman was not his wife in the legal acceptation, but a woman with whom he had cohabited. She had, however, stated the contrary at the trial; if she had not been so, was it to be supposed that the Judge would not have taken notice of it? The Attorney-General had said that it was the practice in the Colonies to proceed on hear-say evidence, and that such had been usually received in the trial of slaves. Now the common law of Jamaica was the same as the common law of England; and was it the law of England, that persons should be tried and condemned on hear-say evidence? In these cases the common law had been grossly perverted, and the only reasonable objection to his resolution was, that it did not go far enough—that it did not sufficiently set forth the extent of the violation of law, which had taken place in these infamous proceedings.—It was argued, that the resolutions did not discriminate between the several cases. It, however, proceeded upon grounds which were common to them all, as far as respected the perversion of law. Persons were tried and condemned on the testimony of witnesses not sworn—the executions had been indecently precipitated. All these were perversions of law, which clearly supported his resolution. Then as to the Judges, it was said that they had not been precipitate, and they had almost been praised for not ordering immediate execution, but referring the sentence to the Governor. It was a lame cause which required this sort of bolstering. The Juries were certainly the least blameable, because they had been misled by the Judges. And who was the

Judge in these cases? The military commander, who headed the troops which surrounded the court, and who was anxious to have executions before Christmas (hear, hear). Then came the complaint against the Governor, who certainly ought not to be left out of the resolution. It was said, that it would be dangerous to interfere with the exercise of the prerogative of mercy. But this was not a question of mercy, but of justice. He would appeal to the hon. Sec. (Peel) if, in the course of performing those duties which he so humanely fulfilled, of advising the Crown upon awarding execution of the sentences of the law, he would conceive that he would have done his duty by merely seeing that the forms of judicial investigation had been preserved when the substance was violated, and that, too, in order to have execution done and an example made before a certain day? He knew the right hon. gent. too well to suppose that he would shelter himself under such a fallacy. It was now, however, admitted on all hands, that immediate reform in the administration of justice in these islands was necessary. Still the local authorities were to be praised, and all the blame of past iniquity thrown upon the system. Then where were the checks that were justly to be expected from the superintendence of an English governor endowed with prerogative, possessing the sympathies of national feeling, and the education and habits of high rank? Should they not expect to see him wield his authority for the protection of the weak, instead of lending the influence of his power to sanction oppression and injustice? But if any thing in the arguments of the hon. gents. opposite more particularly determined him (Mr. Denman) against consenting to substitute the amendment for his resolution, it was the observation of the rt. hon. gent. (Mr. Canning), who said, that if censure were passed upon judicial proceedings regularly carried on, it would establish a dangerous precedent. Then, was the house prepared to say that they would never interfere with judicial decisions, if the forms of law were observed? If they were to be told, that it was neither safe nor expedient to pass censure on those who duly acted under the forms of law, why then had the cases of Russell and Sidney, and other victims of arbitrary power, been reversed? They, too, had been tried according to law, before judges and juries observing judicial forms.—Under all these circumstances, he felt it his bounden duty to submit his motion to the sense of that house (cheers).

The house then divided. For the original motion, 63—Against it, 103—Majority, 40.—After the original motion was negatived,

Mr. Brougham suggested the propriety withdrawing the second part of the amendment to which

Mr. Canning assented, and it was and carried in this form:—"That house sees in the proceedings which have been brought under its consideration with respect to the late trial of slaves in Jamaica, full proof of the evils inseparably attendant upon a state of slavery, and derives therefrom increased conviction of the propriety of the resolution passed by this house on the 15th of May,

LORDS, FRIDAY, MARCH 3.—The Duke of Gloucester, on presenting petitions from the university of Cambridge and the city of London, said, that if the colonial assembly



persist in disregarding the recommendations sent out to them, he relied with confidence on his Majesty's ministers taking measures to call on parliament for sufficient powers to enforce the resolutions which had been adopted. In that case, he had no doubt that parliament would promptly evince a determination to put an end to a state of things which was unbecoming this great country, and inconsistent with the honour and dignity of the crown.

Mr. Canning and others brought a message from the Commons, desiring a conference with their lordships, on a subject deeply connected with the interests of his Majesty's West India colonies.

The Lord Chancellor having taken the opinion of the house, the Commons, who had retired, were recalled, and informed that their lordships agreed to the conference to be held forthwith in the Painted Chamber. On the return of the lords, who were chosen to manage the conference on the part of the House of Peers, from the Painted Chamber, the Duke of Gloucester reported, that the Commons desired their lordships to agree to the resolutions on the subject of Colonial Slavery adopted by their house in 1823. The report being laid on the table,

Earl Bathurst moved that the same be printed; and gave notice, that on Tuesday next he would move that their lordships do agree to the resolutions.

COMMONS.—Petitions for an amelioration of the condition of the slaves, &c. having been presented.

Mr. Brougham, in reference to the debate of March 1st, said that, without imputing any intentional misstatement, there appeared to him a discrepancy between the statements of the rt. hon. Sec. (Canning) and the accounts which were laid upon the table. The rt. hon. gent. had said that some measures had been adopted for facilitating the manumission of slaves, where they had the means of purchasing it, on an appraisement. Upon this point he could not find that any measure of the exact description alluded to had been introduced by the colonial assemblies. The next point on which the house was told that an improvement had taken place was, that of the discontinuance of the whip as a badge of authority and stimulus to labour in the hands of overseers and drivers; but upon this he could not discover that any step had been taken, except by the legislature of St. Vincent's. Another point was, the admissibility of slave evidence. The statement of the rt. hon. gent. on this point was, that out of twelve of the colonies which had legislatures, (indeed, it might be said, out of thirteen; for the whole of our slave colonies, including our conquered colonies, the Mauritius and the Cape of Good Hope, were twenty, of which thirteen had local legislatures, and seven were governed by the direct authority of the crown) —but out of these thirteen which had local legislative assemblies, it was said that seven had adopted measures for the admission of the evidence of slaves. Now, from all the inquiries he had been able to make, and from consulting the public papers which had reached this country as late as the 22d of November, he could only learn, that three of the islands had passed acts for the admission of slave evidence. These were Dominica, Tobago, and Barbadoes. See. 1826.

The act of Dominica had been passed eight years ago, so that that could not be received as evidence of any disposition of the islands to act upon the orders in council sent out in 1824. There were thus only two islands which had passed any bill on this point in accordance with the orders in council. Tobago had passed such a measure; and in order to let the house see how far it entered into the spirit of the orders sent out, he would state how far it carried the principle of receiving slave evidence. The evidence of a slave was to be admitted in the single case of the murder of a slave by a white man; and even that admission was to be contingent upon two circumstances—namely, that there were none other but slaves present when the crime was committed, and that the testimony of the party admitted as evidence should be corroborated by that of another slave of unimpeached character. These regulations, and some others included in the act, rendered it so objectionable that it was disallowed by the Government here; so that for any practical good it was worth nothing. In the act passed in Barbadoes, slave evidence was admitted, provided that the witness produced a certificate of instruction in his religious duties; not, as had been most properly recommended in the instructions sent out from the Government here, which admitted the certificate from clergymen of the established church, or of the Scotch, or from the Roman Catholic clergy, or from the religious minister of any Christian denomination; duly licensed to preach and teach, or from any Christian clergyman, to whose religious community he might have belonged, but from the clergy of the established church only. This was a qualification involving such a mockery of justice, that the act itself was most properly disallowed by his Majesty's Government. But it was said that eight islands had taken some steps towards giving to the slaves religious instruction, and also for the more due observance of the sabbath. From any accounts which he had been able to see, he did not understand that much more had been done than had been effected by the measures adopted by Government and supported by that house, of providing and sending out a sufficient number of clergymen of the established church, for the purpose of affording religious instruction; but this was a measure for which the colonies could take no credit. As to the steps taken for a more due observance of the sabbath, and the regulation of the Sunday markets, he understood that such changes had been introduced into the orders, that the acts were disallowed by Government. It was said that five of the colonies had adopted measures to legalize the marriage of negroes; but he could not discover that any such had been adopted, except in Bahamas, and even there the rights of the masters might, to a certain extent, interfere. Eight of the colonies, the house was told, had adopted measures to secure the property of the slave so as more effectually to facilitate his manumission. Unfortunately, however, manumission was left out in the instructions sent to Demerara. This was to be regretted, as it would lead the other colonies to believe that the Government were not particularly anxious on that point. In the regulations arising out of the orders sent to Trinidad, there was one defect, which extended also to all the regulations made on the same point by the other colonies. It was, that though the slaves were allowed to

cultivate portions of ground for their own profit, they were prohibited from the culture of any of the staple articles of colonial produce; and thus they were precluded from the only branch of industry, by the profits of which their manumission might be greatly accelerated. In the five colonies which were said to have taken steps to prevent the separation of families by sale or otherwise, Bahamas was the only one in which a practical measure had been introduced; in Tobago and Grenada the measure extended no further than preventing the mother from being separated from the child up to a certain age. The house had heard that in eight of the colonies measures had been adopted to prevent the punishment of females. He was not aware of that being done in any island but Bahamas and St. Kitt's. In some of the colonies, the number of lashes which might be inflicted was reduced and regulated, which, no doubt, would make a great difference in the scale of human sufferings, but it did not go the length to which the restriction ought to be carried. He would not at that time enter into farther details; but he thought he had said enough to satisfy the house that the statement they had heard was not completely borne out by the facts of which they were yet in possession. To bring the matter to an issue, he would move for returns containing the titles of all the acts passed by the colonial legislatures since May 1823, for bettering the condition of the slaves.

Mr. W. Horton said, that not having the information in his possession necessary to enable him to follow the learned gent. step by step, he would merely state that the colonial department was responsible for the statement which his right hon. friend (Mr. Canning) had made the night before last. As to the proposition of the learned member, he (Mr. Horton) would lay upon the table a tabular statement of the different acts passed by the colonial legislatures, with their different clauses, so that the whole question might at one view be brought under the consideration of the house. It would be some time before this could be done, owing partly to the great increase of business in the colonial department, arising out of the recent discussions respecting the slave question, and partly to the illness of the colonial counsel (Mr. Stephen) which had been brought on by the severe application to the duties of his office. He must take that opportunity of stating, that an hon. member (Mr. Hume) had been chiefly instrumental in preventing the public departments from being manned in a way which was necessary for the efficient discharge of their duty. It would be much better, if the present system were not altered, for the house to pass a resolution to absolve the public departments from all responsibility. The colonial counsel had been employed in his office during the whole of last year, not less than ten hours a day. That was too much for any man. Unless the house would furnish him with assistance, the public business must, in case of illness, stand still. He pledged himself, when the colonial estimates should be brought forward, to show that it was impossible that the public business could be transacted without an augmented establishment.

Mr. Hume said, that he had a right to expect very different treatment from the hon. gent.; for last year he had allowed an increase of 1700*l.* in the estimate for the colonial department to pass without observation (a laugh). If his

economical arrangements were to be adopted, the reductions in the public departments would be much greater than had taken place. The increase of last year was made for the purpose of giving a salary to Mr. Stephen, who was appointed Colonial Counsel. Nothing could be more objectionable than the appointment of Mr. Stephen. He was the son of the person whom the colonists supposed to be their greatest enemy, and the putting him in an office in which every communication to and from the colonies must pass through his hands, had outraged the feelings of the colonists more than any other act of the Government.

Mr. W. Horton doubted whether the gentlemen in that house who belonged to the profession of the law would agree to the doctrine which the hon. member seemed desirous to establish—namely, that a counsel would allow his private feelings to impede the performance of his public duty. He believed what he had heard the individual, who had been alluded to, himself state, that on any subject connected with the West India interests, he had never had any communication, direct or indirect, with his father. There was no man to whom, if he wished for advice or information on subjects of difficulty connected with the West Indies, he would sooner resort, than Mr. Stephen. He might state as a proof that there was no sort of understanding between the father and son, that the former had published a pamphlet in which he called the order in council, which was drawn up by his son, a "parcel of trash." He was glad that he had been presented with an opportunity of stating, for the satisfaction of persons connected with the West Indies, that Mr. Stephen was merely an executive officer, and could do no more than obey the instructions of the head of the department.

Mr. F. Buxton felt it necessary to say, that Mr. Stephen never made any communications to him; on the contrary, he generally found that gentleman so very reserved that he preferred transacting business with the hon. sec.

Mr. Hume never intended to insinuate that Mr. Stephen consulted with his father respecting the duties of his office.—The motion was agreed to.

LORDS, TUESDAY, MARCH 7.—Earl Bathurst moved that the report of the conference on Friday, containing the resolutions of the House of Commons, passed in May 1823, be read\*; whereupon, the noble earl proceeded to move that their lordships do agree to the resolutions. He should now call their lordships' attention to what had been done since the period at which the resolutions had been passed. Since that time, with the exception of Barbadoes, Grenada, and St. Vincent's, very little had any where been done, towards effecting the objects of Government. He was sorry to say that the legislative assembly of Jamaica had rejected the proposed law for admitting the evidence of blacks under certain modifications. The bill for that purpose had been thrown out by a majority of 23 to 13. But that assembly, and others which had rejected the measures recommended by Government, would soon be dissolved, and others summoned, when there was reason to hope that the bill, as well as other measures calculated to ameliorate the condition of the slaves, would be passed. He must in



justice to the Assembly of Jamaica add, that an important measure had been carried through it, a provision for an episcopal establishment in Jamaica. In addition to this, the stipends of the rectors had been increased, and were transferred from the hands of the vestries to be distributed by the hands of the bishop. Several parishes had been enabled to build churches, and to repair and enlarge those already built; and he was glad to observe that many of the owners of plantations had contributed liberally to these buildings. The Government had received a communication from the Bishop of Barbadoes, in which it appeared that his lordship had visited several of the Leeward islands, in each of which he had received assurances of a disposition to take effective measures for the religious instruction of the slaves. From Barbadoes a report had been received from nine parishes out of eleven. In these parishes there were 317 plantations, of which 130 were under the instruction of the clergy of the established church.—He must observe that at a public meeting of the planters, slave-owners, and others, in Barbadoes, the destruction of the Missionary chapel was condemned in very strong terms. This showed that the feeling of those misguided persons who were engaged in that transaction was not extended to the respectable part of the community in that island.—His lordship next alluded to the language of some of the petitions for the abolition of slavery, in some of which it was asserted that a state of slavery was wholly incompatible with the doctrines of Christianity. The circulation of such principles amongst the slave population of the colonies, must prove extremely pernicious, since, at the same moment that Christianity was recommended to the slave, he was taught that the state of slavery (no matter what the kindness and indulgence of the master might be) was inconsistent with the religion which he was solicited to embrace. The noble lord then stated the intentions of Government, in the adoption of the Orders in Council, as they were explained by Mr. Canning, on March 1st, and concluded by saying, that from the earnest manner in which the subject had been recommended to the attention of the Colonies, he hoped it would have a successful result. But should it prove otherwise, it would then be for their lordships to consider what course it would be expedient to adopt, to carry the measures into effect. The circumstances under which the resolutions were now proposed to their lordships were favourable for their object. It would appear that they were not adopted in the heat of the moment, or as the effect of eloquent appeals to their feelings, on the subject of slavery, but as the result of mature deliberation.

Lord Calthorpe said, that though he concurred in the general spirit of the resolutions of the House of Commons now proposed for their adoption, yet he thought that the cold phrase "it is expedient," did not convey the feelings which pervaded the country on the subject of negro slavery, and which ought to be communicated in the instructions sent out from Government. Considering the great importance of this subject—considering the general feeling which existed in every part of the country respecting it, and the very little effect which had been produced by the adoption of these resolutions in the other house, it was not a practical mode of attaining the proposed object, to use the cold language with which one of those reso-

lutions commenced. He would have preferred the resolution (Mr. Buxton's) which had been first proposed in the Commons, and superseded by those now before their lordships. In that resolution it was declared, that a state of slavery was repugnant to the British constitution, and to the spirit of the Christian religion. He would admit with the noble earl (Bathurst) that slavery was not absolutely incompatible with the Christian religion; but still he would contend, that it was opposed to the spirit and genius of that religion, and he could not conceive that any country bound by that religion, and acting on its admirable precepts, and particularly under so happy a constitution as ours, could continue long without an earnest endeavour to get rid of such a pest (hear, hear). Neither could he conceive how it could be considered, that they who declared a state of slavery to be repugnant to the British constitution and to the spirit of Christianity, must, as a matter of course, be disposed to put aside every consideration of expediency, and all reference to the interests of the colonists, and rush at once to the attainment of abolition—that, having such an opinion of slavery in the abstract, they were not willing to allow its continuance one hour after their resolution was declared. The meaning of that resolution, taken as a whole, and the opinions of those who supported it, might be fairly stated to be—that slavery being repugnant to the genius of the British constitution, and to the spirit of Christianity, ought to be gradually abolished, due regard being had to the interests of the masters, and to the condition of the slaves themselves. Taking this as the fair view which the abolitionists took of it, and considering the necessity of expressing their opinions in forcible language, he thought their lordships would be acting more for their own character, and more in accordance with the importance of the subject, if they were to adopt a higher principle on this occasion than the cold one of expediency.—The noble earl had complained of some of the petitions presented to their lordships on this subject. Some of the petitioners had certainly used language, which, ignorant of metaphysical distinctions, they did not believe improper for the expression of their opinions; yet he would contend, that the principles for which they contended were fair, and that the other House of Parliament had shrunk too cautiously from their adoption. But there were petitions presented to their lordships—which alluded principally to that from Birmingham—which was adopted after due consideration, and by men not in the habit of coming to hasty decisions on any subject. There were others of a similar nature, from a high and most respectable body—he meant the clergy of the Established Church—who, it would not be said, were in the habit of deciding without due consideration, upon important questions. Yet from that most respectable body petitions had come, stating that slavery was incompatible with the genius of the Christian religion, and he thought that in so doing, and in the laudable zeal which they bestowed in support of this important question, they consulted as much the dignity of the church as the sacred duties of their profession. Neither he nor any of those who took the same view of this question, were disposed to adopt any hasty step on the subject of abolition, or on the subject of religious instruction. But it was, he thought, a lamentable mistake, if any of the colonists thought that by religious instruction,

which inculcated obedience to the powers that be, the slave would become more reconciled to his state of vassalage. The improved state of his mind which would follow his religious instruction would, no doubt, impress him with kinder feelings, but at the same time it would lead him to a knowledge of his rights, and to a stronger feeling of the cruelties to which he had been so long exposed—cruelties, the existence of which was placed beyond a doubt, and which could be proved at their lordships' bar. He stated this for the purpose of showing that the improvement of the condition of the slave, and his instruction in religious knowledge must, as they prepared him for a state of freedom, open the way for the termination of his bondage, and that it would be utterly hopeless to attempt to retain him in slavery when he became possessed of a due sense of the duties of a freeman. For the approach of that period, no doubt, gradual preparation must be made: but he regretted that the tone of the resolutions before their lordships was not of that kind which would expedite such preparations on the part of the colonists, and he was sure that their very tardy progress since the resolutions had been agreed to by the Commons, was in a great degree owing to the house not having adopted more decisive language. The best course would have been to adopt the tone originally recommended to the other house of parliament, and which he believed to be not only the best calculated to produce a satisfactory issue in the colonies, but also most consonant with the general feelings of the people of this country. He objected most decidedly to recognize expediency as the highest principle which they were to call into action on such a subject as this, involving as it did the honour and character of the country.

Lord Ellenborough:—The question was, ought they to sanction resolutions proved to have been ineffectual, or to adopt others more likely to promote a salutary result? If these resolutions were to be adopted alone, accompanied with a vague hint, that if they failed in their intended effect the legislature would proceed to ulterior measures, without avowing what the nature of such measures would be, he not only doubted that the anticipations of the Government would be realized, but he inclined to the opinion that such a course, instead of diminishing, would tend only to aggravate the existing evil. What were those ulterior measures? What objection could there be to supply a description of them? The noble earl admitted that the colonial assemblies had disappointed the expectations of Government; but he went on to state, that they had shown a disposition to amend their practice, that they had made a provision for the clergy of the Established Church, that they had taken steps for the education of slave children, and that therefore there was some prospect of their assisting in promoting the remedial measures of the Government, and departing from a contumacious course. Now he could not give the colonial assemblies that credit, because the better education of their slaves, by making them more enlightened Christians, tended rather to ensure their more patient submission, than to encourage insubordination and the throwing off their yoke. It was therefore good policy in the planters to concur in a measure which was calculated just as much to secure the continuance of slavery as to effect anything else, while at the same time it necessarily went some way to conciliate prejudices at home, which would

otherwise be used against them, in stimulating a perseverance in harsher measures. Let them put a parallel case, and they must be at once struck with the futility of the present proposition. Suppose that the noble earl and his rt. hon. friend (Mr. Canning) were walking together and saw a man ill-treating his horse—suppose his rt. hon. friend to have said—"Two or three years ago I saw that very fellow committing the same outrage, and on that occasion I forewarned him that if he persevered in the same course I should take such measures as must secure the better treatment of the animal. Do you now go up to him, and say, that if he continues to practice such brutality, I will certainly fulfil my intentions." Would not the noble earl say, "No, go up to him yourself. I could understand your asking me to knock the fellow down, or to take him before Sir R. Birnie; but he would laugh at me, were I only to repeat threats which he had already disregarded." As to the idea that the local assemblies would themselves take measures for the abolition of slavery, he thought it idle to dwell upon it. If Parliament were to pass a resolution recommending the Bench of Bishops to bring in a bill for emancipating the Roman Catholics, did any one believe that such a bill would ever be brought in?—There were many difficulties in the way of the adjustment of this system, which required that Government should at the outset proclaim what their real determination was, or would be. Suppose, and he thought it probable, that several of the colonial legislatures should resist the proposed course, what then was to be done? They might, he was aware, alter the duties upon sugar, so as to bear upon the colonial interests. Now to that course he would most decidedly object, for it must inflict great injustice upon some of the islands, which were ready to go a certain way with the mother country, and ought not therefore to be put on a footing with those which were wholly refractory. Suppose another course; namely, that Parliament were determined to legislate for the colonies *quoad hoc*.—That, again, they could not do, for if they once interposed their strong arm between the colonial authorities and the colonial population, there would be an end to the influence of the former; and then what plan could they devise for the future government of those islands—what means could they provide for the due execution of their enactments?—It was perfectly impossible to work any good in those colonies, without in the first instance establishing some system for the better administration of justice for the slaves, independent of the control of the masters. At all events he would not commit himself in the present proposition, without seeing his way through the future intentions of the Government.

The Earl of Liverpool said, that the noble lord (Ellenborough's) speech would go the length of recommending that Parliament should do nothing at all in this question. Now if all (as he believed was the case) agreed in the abstract, that slavery ought to be abolished—that immediate steps should be taken to ameliorate the condition of the slave, and qualify him for eventual enfranchisement, how was it that any noble lord could consistently call upon them to take no step in the accomplishment of their professed object? It would be in vain for him to deny that the question was surrounded by immense difficulties; but something was clearly to be done, or they must be prepared to aban-



does their declared opinions. Was it nothing to disseminate a religious education among the slave population, to get rid of their badges of thralldom, such as the whip, the Sunday-work, and those other degradations which mark the inferiority of the man—to establish a better system of justice, and something like means for manumission? It was true they must proceed in these improvements step by step: but the noble lord called for all the details at once, and asked, what will you do, should the colonies prove refractory? That had better remain to be determined when necessity called for its declaration. The colonies were under the direct authority of this Government, though some of them possessed independent legislatures for local purposes. These legislatures should be allowed the grace of preparing the arrangements, and the opportunity of preparing them in their own manner. Considering that those bodies were exposed to the influence of particular prejudices and habits, they were not likely to advance quite so fast as those who were not actuated by such associations, and were therefore better able to proceed with a cool and steady judgment. Allowances should be made for the infirmities of human nature, and a reasonable time allowed for the growth of reason. At all events, he would say, that whether the result of the resolutions should realize or disappoint their expectations, wisdom and good policy alike pointed to their present adoption.

The Duke of Gloucester thought that, waving for the present all ulterior considerations, their better course would be, to send forth these resolutions with the full sanction of their unanimity. The delay, at all events, in bringing to the test the sincerity of the colonies, could not be prolonged beyond another year; and if the consummation to which they now steadily looked forward should not be realized, the time would undoubtedly arrive when his Majesty's Government would be called upon to enforce, by the paramount authority of Parliament, the measures proposed. He placed entire confidence in ministers in this business, who could not recede from their course, without abandoning their duty to themselves, to their country, and their God.

The Lord Chancellor would not enter into the consideration why these resolutions had lain so long without their lordships being called upon for their concurrence—it was enough for him to know that they were now before them, and must be disposed of: and with respect to the wording of them, he saw no reasonable objection, more particularly to the word expediency; and he for one should have felt a great difficulty in giving his assent to a stronger term at the present moment. A good deal had been said in the discussions on this subject about its connexion with the genius of Christianity and the genius of the British constitution. As to the genius of the constitution, whatever was his own opinion respecting the propriety and necessity of abolishing slavery, he was bound to declare, that this system had been patronized, encouraged, and almost instituted under the British constitution, and under the auspices, too, of so great a constitutional authority as Lord Somers. Now, then, could he say that it was against the genius of that constitution (hear, hear)? When to this knowledge they must add the further information, that colonial slavery had been many times during the last century the express subject of legislative enactment, under the direct sanc-

tion and concurrence not only of the ablest laymen who had figured in the history of the country, but also of a bench of bishops as learned, pious, and respectable as that which their lordships now saw before them, he could not easily bring himself to believe that it was so clearly contrary to the genius of Christianity as some persons so readily asserted. With wishes as anxious as those of any man for the entire abolition of slavery—and when he meant its abolition he always spoke with a view to the well-being of the slaves, as consistent with the interests of their masters, and the safety and security of property—he must say that this measure had been more retarded by the intemperate zeal of those who had engaged themselves in its support, than it had been or could be by any direct opposition which the enemies of abolition had the power of opposing to it. If they looked at what had been done during the last century, they must be struck with the propriety of dealing equally and fairly with all the parties concerned. The history of these colonies would show that when at former periods some of the islands had proposed to diminish the number of slaves to be introduced into them, Great Britain had refused to sanction that restriction. Then why throw the whole blame upon the colonies, as if they alone had become responsible for the existence of slavery? They must always bear in mind, that even of late years property had been embarked upon the security of labour in the West Indies, when this country, as a country, was as much engaged in carrying on the slave-trade as any individual in the colonies could be said to be, and when the fact was, that by the arrangement and management, even of some crown property, the planter was compelled to take such an importation of African slaves as the British monopolist chose to impose upon him. His noble friend (Lord Ellenborough) had said, "I must know, before I agree to these resolutions, what further you intend to do." To be consistent in such a determination, he ought to be prepared to call on that house to rescind all their resolutions for the last 20 years. He (the Lord Chancellor) could not anticipate any permanent opposition to the final adjustment of the question, when it could be effected with benefit to the slaves themselves, with safety to their masters' property, and advantage to the general prosperity of the colonies. If the local authorities refused to accede to the measures about to be urged with renewed force upon their consideration, then Parliament would know how to meet such contumacy, without affecting the well-being of the slave, or infringing on the rights of the master.

Lord Redesdale contrasted the state of slavery in this country, in the reign of Richard II., when the whole number of villeins was calculated at 180,000, and its present condition in the West Indies. If, then, in the West Indies, the numbers were so great, it would be obvious that there was reasonable ground for apprehension. The planters had immediately before their eyes the massacres of St. Domingo, and their fears ought to be treated with indulgence. To proceed in such a case temperately, would be to proceed successfully; and he believed that the planters were themselves thoroughly persuaded, that if they could have the labour of the slave by wages instead of force, their work would be better performed. The difficulty was, to attain the object. A negro who obtained his freedom gradually by his own exertions and the

acquisition of property, was much more likely to prove a good subject, than a slave who was suddenly and incautiously manumitted. Nothing could be more clear than that 3, 4, or 500 in each year could be much more safely emancipated, than 30, 40, or 50,000 by one act of desperate generosity. On these grounds he approved of the resolution on the table, and objected to any step beyond it.

Lord Dudley and Ward felt that this subject was one from which he could willingly have abstained altogether, and which few could approach with any thing like satisfaction. From every corner of the kingdom, from every city, corporation, town, and village, Parliament had received the almost unanimous expression of disgust, not only against the hateful means by which men were reduced to that condition, but against slavery itself. Such an expression of feeling was at all times entitled to respect. Independent of the merits of the case, and there could be no doubt that this increase of interest among so large a portion of our fellow subjects, was to be ascribed to the increase of knowledge, humanity, and religion. So far there was good reason to rejoice; but having admitted it, he hoped he might add, without offence, certainly without the desire of offending, that the fervent zeal lately manifested was in part to be attributed to other and far different causes. The present was a period of great public tranquillity, although it had been subjected to a temporary interruption—he hoped he might also say of great national prosperity; it was a period of great intellectual activity and enterprise; and while the means of employment were below their usual average, the desire of obtaining it was more than ordinary; in other words, there was a great surplus of talent and energy in the country, and in such a state it was natural that such a subject should excite a strong feeling of interest. The history of this question afforded splendid instances of patriotism and humanity in every class of society, from the illustrious statesman who had from the first exposed the cause, to the itinerant philanthropist, who, having invested part of his property in the trade of the East Indies, went about lecturing at fairs and on market days, on the enormities of the West (hear, hear). It was not surprising, therefore, that in this struggle for the prize to be awarded, by the zealous piety of old men, and the delicate sympathy of old ladies, misrepresentations should have gone abroad, and that the state of the negroes in the West Indies should have been exhibited in a light more odious than it appeared to less partial observers (hear, hear). He did not pretend to justify what he knew to be wrong, but he would venture to say, that the ordeal through which the West India system had been made to pass was somewhat too severe. He did not wish to insult those institutions which had laid the foundation of civil society, by comparing them with slavery; but any man would see, that if the stores of private anecdote and the records of public justice were ransacked for instances of the cruel, nay, the merciless exercise of conjugal or parental authority, even the people of this purely moral and severely religious country might be made to appear in no very enviable condition. If these instances were afterwards chronicled and blazoned by the historians and philanthropists of other nations, a strangely unjust picture would be exhibited to the eyes of posterity: such a picture as he remembered a French General

(he forgot his name) had drawn, when, after spending six months in a prison-ship, he had made extracts from the crim. con. trials, and the Newgate Calendar, and then exposed the whole to the view of the natives of his own country, as a faithful representation of the virtue of the women, and of the honesty of the men, of Great Britain (hear, hear). He did not mean that in the case of the West Indies, the exaggeration had been equally gross; but as a proprietor, it afforded him great consolation to reflect that too much stress had been frequently laid upon cases of individual oppression. Whatever might be the defects of the West India system, it did not exhibit that uniform picture of relentless cruelty on the one side, and of despairing misery on the other. But the good people of England had been taught to contrast the situation of a labourer in the West Indies with that of a labourer in England. Such a comparison was unfair, and there was far less difference between the condition of the negro and the labourer, than between the condition of the slave in the West Indies and the slave under his legitimate master and owner, the King of Congo, or Ashantee, by whom he had been originally kidnapped and sold. The comparison ought not to be instituted between a bad condition and a good condition, but between two bad conditions, in order to ascertain which was the worse. In religion, it might be said that we had been guilty of a most grievous omission, in not taking earlier and more effectual steps to impart to these unfortunate beings the blessings of Christianity. It was to be recollected, however, that if they had never been brought from home, they would have been at least in equal darkness—slaves in body to their savage and tyrannical masters, and slaves in mind to a revolting superstition. It ought not to be forgotten, besides, that what might be considered the natural inclination of the public mind had received a strong impulse from the exertions of a numerous and respectable sect, who had engaged in this cause the most powerful of all human motives. In their view of the case, slavery was not merely a defect in society—not only a grievance that ought to be redressed, but it was contrary to Christianity. He was not disposed now to discuss a theological dogma, decided so peremptorily in all parts of the empire by men of all qualifications, but he must avail himself of this opportunity of protesting, with all respect, against this attempt to force religion into the service in merely civil matters (hear, hear). He agreed entirely with what had been so well said by the noble Earl (Bathurst)—that nothing was prescribed by religion on this subject in particular. Religion, indeed, generally enforced humanity and justice, but it was wholly silent as to the degree of power one man was to possess over another. This was not only an erroneous, but a dangerous application of the doctrines of Christianity; and twenty different interpretations might be put upon the same words, to suit twenty different purposes (hear, hear). Scarcely a century had passed, since Divines, the professors and oracles of Christianity, had ceased to assert, that Kings reigned *jure divino*—in other words, that it was agreeable to the doctrines of Christianity that all men should be slaves (hear, hear). The doctrine of the divine right of kings, and the doctrine of slavery, were in fact the same; yet it was now urged as strenuously by divines also, that it was contrary to Christianity that any



men should be slaves (hear, hear). This alone was sufficient to show how Scripture could be applied for any purpose; and there was nothing in the resolution he approved more strongly than that which had been left out of it—the assertion, that slavery was contrary to Christianity; which was nothing but the perversion of religion to civil purposes. Where then vanity, and the eager thirst for reputation, were united with the stronger motives of religion and humanity, and so closely united and blended as to be scarcely distinguishable by those who acted under their influence, great allowances ought to be made for exaggerated statements, arising from heated feelings. But after every possible allowance, he was willing to admit there still remained a great deal of positive evil that could neither be denied nor palliated. In his opinion, the system of the West Indies ought never to have existed at all; it was morally, politically, and economically wrong: the problem then which Parliament had to solve, was, how it could undo what had been unwisely and unjustly done by our forefathers, without fresh error and still greater injustice (hear, hear)? He did not desire it to be thought that he concurred in any view of policy which treated the West India system as permanent; it must be changed, it ought to be changed; and the care was not what the change ought to be, but how it was to be effected. Were the public feeling right or wrong, it was too powerful and too united to be disregarded, and the continuance of unmitigated slavery was impossible. Monopoly was unpopular, slavery detestable, and the united odium of both was more than the colonies could bear. It was unfortunate that this truth had not been more clearly perceived by the colonists, who, by an obstinate and ungracious resistance, might substitute a dangerous crisis for a gradual change, and lose the benefit of that protection they would otherwise obtain from the justice of the mother country (hear, hear). Although he did not mean to justify the conduct of the colonists, it might, in some measure, be accounted for and explained. It was within the memory of not very old men, that, formerly, another battle had been fought; the question was then, not whether slavery should exist, but whether the slave trade should continue? He had voted in the majority against it, and within 30 years, noble lords and illustrious peers, who might sit under that canopy, whose heads might be impaled with the Crown of England, had stood up in their places and vindicated that traffic. He did not blame them for doing what they thought right: he neither blamed nor commended them: he only stated a fact, adding an observation, that, under all the circumstances, it was a little hard upon the Colonists not to receive any indulgence for their impetuosity. They were, in truth, now in the situation which the illustrious personages to whom he had alluded had occupied 30 years ago. No man, however eager in the cause, however heated by the struggle, would assert that slavery was not a less evil than the slave trade, by which the wretches were torn from their native land, and exposed to all the horrors of the middle passage. The colonists had now arrived at the conviction, that the slave trade ought not to exist, and this country ought not to complain, or to think 30 years too long for a moral position to find its way across the wide Atlantic. He regretted, but was not surprised, that the voyage had been so long. The planters had been brought up in the midst

of prejudices; they had been so surrounded all their lives by slavery, that they hardly thought human society could go on without it: they looked upon it in the same light as the relations of master and servant were viewed in this country, and they looked upon the abolition of slavery as just as great an absurdity as we should consider the abolition of servitude. The anxiety for improving the condition of the negroes had only of late become so intense in England, and the planters had coupled with it the late grievous depression of West India property, and the heavy fall in the price of the staple commodity of the islands; both of which had ruined so many families, solely dependent upon their possessions there. Was it to be wondered, then, that they were not in the best possible humour?—that they were not inclined to receive very favourably any propositions which seemed calculated to reduce still lower their already fallen fortunes? The abolitionists, in the warmth of their zeal, had drawn a most unflattering likeness of the Whites of the West Indies. In was true that the parties had not been brought into contact—that they had treated only with the British Government, in returning their ill-judged answers to the orders in council. But the planters fancied that they saw their ancient enemy prompting the Ministers from behind, and that though the voice they heard was that of the noble Earl (Bathurst)—the hand they saw was that of their persevering antagonist (hear, hear). Still the conduct of the whites had not been that of men desirous of exercising unnecessary power, or of inflicting unpunishable cruelty: they acted like men who, having lost part of their property, trembled for the remainder, and smarted under the misrepresentations of calumny. On the subject of delay he would observe, that on some accounts it might be desirable to proceed with greater rapidity, but the sacrifice proposed did not seem too great for the advantage to be purchased by it: a year might seem long for the continuance of a bad system, but it was short, indeed, compared with the time generally required to remedy an evil of such ancient growth, and so deeply rooted. There was no magic in the decisions of either house; even the omnipotence of Parliament could not work miracles, and it would require much longer than a year to change the system: the system would be deaf to entreaty, and would never abate one whit of its demand upon human patience and forbearance. He did not concur in the delay, because he wished to stave off the result, but because he knew that it could not be avoided. He did not wish to enter into the delicate question of the power of the mother country over her colonies: he was most ready to admit the right of parliament, but the exercise of that right might be attended with the utmost inconvenience and danger. If they dared, the effect would be a rebellion; but as they did not dare, it would occasion profound discontent and rooted dislike. Besides, no man could deny that the best intended and best concerted measure of emancipation might be misunderstood by the negroes, and mischief thus occasioned. The chance of that mischief would be much increased by forcing the measure upon them. He did not say that the risk ought not to be incurred, but if the slaves saw power suddenly withdrawn from those hands where it was accustomed to reside, and transferred to those on the opposite side of the Atlantic, who they imagined would go all lengths in their favour,

the danger might be imminent. The execution of the law, be it whatever it might, must at all events be in the hands of the white population, and ignorance and reluctance on the part of the Colonial assemblies, and others, might both be called forth to impede the progress of a compulsory measure. It had been often said, that in Ireland, with a population of the same blood and complexion, and differing only in religion, it was difficult to secure the due execution of the law. How much greater then would that difficulty be in the West Indies, where the distinction was between master and slave, white man and negro (hear, hear)? The law transmitted for execution, might be looked upon in our Islands as a code of injustice to the whites, even if it were considered in England a code of justice to the blacks, and amid all the difficulties attending it, but little of the expected relief would be afforded to the unfortunate slave (hear, hear).

The Marquis of Lansdowne:—With regard to the proceedings of the colonists, he must observe in the outset, that if the same remissness were to be shewn in future which they had hitherto displayed, he should think the adoption of the resolution proposed at least useless, if not something worse. It would place upon record an abstract principle, and prove to the West Indies and to the world, that there did not exist in the British Parliament a determination to carry that principle into effect. Thus it would lead to contumacy and resistance on the part of the planters whenever they disapproved of the proceedings of the mother country, since they would know that the result would be to accomplish the object they had in view. He admitted that it was expedient to debate this subject at all times with reference to the opinions and prejudices of the Planters, created by habit, and cemented by interest, and at this moment he was desirous of saying no more than inevitably arose out of the principle the house was called upon to adopt. To the last hour he was willing to indulge the hope, that the time would come when the planters might attend to the considerations of justice, humanity, and religion; for, from humanity, religion could never be separated. The whole hemisphere in which the West Indies was situated, had of late years undergone the most important revolutions; and catching a spark only of the spirit that pervaded the vast continent, they might awake to their real interests, and discover how effectually they would be promoted by voluntarily improving the condition of the negroes, and conceding to them eventual emancipation (hear, hear). The West Indies must ultimately be brought to that test by which the existence of all societies must sooner or later be tried—the permanent attachment of the population composing their physical force. Although he was one of the last men to form a general judgment from individual anecdotes of cruelty or misconduct, yet he could not shut his eyes to the course adopted by some of the houses of assembly on particular occasions. Their debates and decisions afforded proofs of a determined resolution not to adopt any material amelioration of the condition of the negroes. Up to the latest advices, he saw in all the legislative bodies a resolute resistance to reform and improvement of every kind, with the single exception of the Bahamas, where, he was happy to say, some measures of a different character had been adopted. What chance was there, that if left to themselves, and without the

strong urgency of the British Parliament, any good would be done, when the assemblies of the colonies hesitated to introduce that so essential to religious and moral improvement—the solemnity of marriage? With one exception, there had been no step taken since the resolutions of 1823 to give facility to the manumission of a slave, who had saved sufficient money to purchase his liberty. Now were there any means by which the abolition of slavery might so certainly, so gradually, and therefore so safely, be brought about as this? Some acts, indeed, had passed in one or two islands, to relieve females from the degradation of public whipping, and other such punishments; but in the others, the law remained unchanged. He could go further in the dreadful catalogue, but he did not wish to enter upon it at present. He was, however, free to confess, that he was not very sanguine in his expectations of the effect to be produced by the proposed resolutions. He trusted, at the same time, that some alterations might be made consistent with the well-being of our colonies; but he trusted, also, that the noble lord (Bathurst) would, if he found it necessary, enforce upon our colonists that system which was at present so generally and so strongly recommended by Parliament and by the country (hear, hear). He trusted too that the subject would be taken up early in the next session; and in order to prevent delay, he wished to ask the noble earl (Bathurst), whether directions had been given to the local authorities, to call together the colonial assemblies at such an early period as to enable Parliament to be in possession of the necessary information, early after its next meeting? (Earl Bathurst said the necessary measures had been taken.) If this were done, they would be enabled to judge what further steps it would become the duty of Parliament to take. They had already waited three years, and they were now adding another year of doubt and delay, and it was the duty of ministers to shew a desire to inquire into existing abuses in all their bearings, and a determination to enforce the resolutions adopted by Parliament (hear, hear). He did not mean that they should lose sight of the interests of individuals; but he was then, and should be hereafter, prepared to contend, that those interests were most endangered by the present system (hear, hear) and if that system was not altered in time, the most disastrous consequences might follow to those who thought themselves aggrieved by the proposed interference of Parliament (hear, hear).

The Bishop of Bath and Wells asserted the incompatibility of slavery with the Christian religion, of which he was a minister, and the British constitution, whose free and willing and obedient subject he professed himself. He distinguished between the seeming countenance and toleration shewn towards a property in slaves by Christianity and the law of the land, because of their reluctance to interfere with private rights, and the direct antipathy which they manifested to all oppression and injustice. Equally hostile to the evils of slavery were the dictates of common justice and humanity. Those were arbitrators, however, whose judgment must be shut up in each man's breast. The interests of slave-owners were equally opposed by the maxims of political economy. Free labour must in every sense be preferable to that of slaves. The man who was conscious that, by the sweat of his brow, he was provid-



ing for his wife, his children, and himself, must be far before the hopeless creature who had only to work to that extent of toil to which the whip would goad him. Yet, though hostile to slavery, he was no friend to inconsiderate abolition: there might be greater evils in that step than any which existed in slavery. He had always been of opinion that the emancipation of the mind must precede the emancipation of the body; religion and education must go before abolition. With pleasure had he witnessed the resolutions of 1823, which were consonant with humanity and justice; which went to give the negroes the benefits of schools and a religious establishment of the same form with our own: he was sorry that they had been so ill received by the colonial legislatures. He rejoiced at the resolutions now taken by the Government, and if they were not better executed, he hoped that the spirit in which they were drawn up would be again awakened among the people, and that the determination of parliament and the expectations of the country would be carried into effect by doing away that stain upon the character of a Christian nation.

Lord St. Vincent stated that, though not able to give the noble marquis (Lansdowne) the satisfaction of hearing that the slave, when prepared with the means of purchasing his freedom, could demand it as a right, nevertheless, in the island of Jamaica, with which he was connected, he had been credibly informed that nearly 4000 slaves were voluntarily emancipated between the years 1820 and 1823. This was the more satisfactory, as well as the more honourable, as it arose from the mere spontaneous act of the master. In addition to what he had stated, the legislative body of Jamaica passed an act, by which slaves, under certain forms, notwithstanding any limitation, entail, debt, or other legal difficulties, might be emancipated. It was but fair to conclude, that the same feeling which had produced so considerable a manumission under many existing impediments, now that such impediments were removed, would operate in a much greater ratio. He had no doubt that the same generous impulse had equally operated in the other colonies; but not having the same means of information as to their local transactions, he could not state it as a fact. With respect to the charge of contumacy which had been made by one or two of the noble lords, something was to be said in consequence of a prevalent understanding in the colonies, and most assuredly in Jamaica, that the example proposed by ministers was to be tried first as an experiment in those colonies which were immediately under the control of the crown. This example was not set till 1824, and could not, therefore, if regarded as an experiment, be considered as an object of imitation, till its practicability was ascertained. On the meeting of the Assembly of Jamaica, in 1825, a committee was appointed to bring in a bill for the admission of slave evidence, and that bill was not thrown out till after much discussion. Where there was full and fair deliberation, it could hardly be said there was contumacy. He would trouble their lordships a little further, in consequence of the gross misrepresentation and delusion that prevailed, not only amongst the ignorant and inferior ranks, but amongst the higher orders; nay, even amongst their lordships. It was reported that a noble duke (of Devonshire), whom every one regarded who did

know him, and every one respected who did not know him, had said, at a recent county meeting, that he considered the claims of the West Indian, to compensation, if his property were destroyed, as the claim of a receiver of stolen goods. Had he been present at that meeting, he would have asked that noble duke, who stole those goods—who sold them—who pocketed the money for them?—who, but the people of England? The ancestor of that noble duke had taken a conspicuous part at the memorable era of the revolution—at the passing of the bill of rights; but the bill of rights was the bill of wrongs to the sons of Africa. It was in consequence of a doubt whether the bill of rights opened the African trade, that the act of 9 & 10 W. and M. c. 26, was passed. Before that period, the African slave-trade was exclusively limited to a few chartered companies. But after the bill of rights, this was deemed too precious for a chosen few, and was extended to all the good people of England. So precious, indeed, was it deemed, that whereas all other articles of that trade were subject to a duty of five or ten per cent.; gold, silver, silver ore, and slaves, were alone exempted from any. In fact, slaves were put on the same footing as gold and silver. He (Lord St. Vincent) was descended from one of the receivers of that period. The noble duke was descended from one of the licensers of the thieves. Had the noble duke been in his place, he (Lord St. Vincent) would have called upon him to support him in his title to that estate which the ancestor of the one had bought under a system not only sanctioned but encouraged by the ancestor of the other. He begged leave to recommend that act of William and Mary to the attention of that noble duke and others, and hoped that it would not be lost sight of by a learned member of the other house (*qu.* Sir J. M'Intosh), who was said to be writing a history of that period. Without troubling their lordships with a recital of further acts, he would remind them of the period of 1774, when, upon an application from the colonies to abolish the slave-trade, the answer was, by the mouth of Lord Dartmouth, one of the ministers, "We cannot allow the colonies to check in any degree a traffic so beneficial to the nation." It was too much, then, that those who had so largely contributed to produce the system which was now complained of, should turn round on those who had built up the superstructure, of which they had laid the foundation—that the "*artifices necis*" should dare to charge the "*participes criminis*" with the consequences of their own act. If the ear was distressed by sounds, or the eye offended by sights, which were not in unison with the present sensations of those acute organs, the West Indian, when reproached with these, might reply, "*Scelus exitiale Lacæna, illa hæc monumenta reliquit.*" If the offspring nursed by such a parent had not in some rare instances yet acted as she ought, let England recollect that she was that parent, and that it was her own offspring of whom she complained. But did he therefore mean to contend that England, as the parent, should not endeavour to wipe off the stain that attached to herself and offspring—that she should not endeavour to correct the deformities of the system of her own creation?—No; but let her not do it at the expense of the blood and treasure of that offspring, and add the injury of re-

proaches. He regretted exceedingly that, in justice to themselves, in confirmation of the claim which the colonies had long since set up, and fairly set up, to a kind and humane system of management of their slaves, they did not yield to the wishes of the mother country, as expressed in the orders in council;—that they did not ratify by law, what their own generous feelings had long since sanctioned in practice. He chiefly referred it to the irritation produced by the uncandid and unjust attacks of their enemies at home. But he sincerely hoped they would not confound friends and foes: let them not mix up in the same feeling those who held out the hand of a friendly assistance, and those who might be suspected of very different motives. He had, for the last twenty years, done every thing in his power to act up to the spirit of the resolutions, of all of which he approved. Nearly as far back as that time, he applied to Bishop Porteus, to assist him in procuring a clergyman for his estate. Another West India proprietor joined him in the same application. The bishop, however, distinctly stated, that there were not sufficient funds at command for that purpose, and that, owing to the heavy burthens of a most expensive war, it was impossible to look for assistance from Government. It had been said by a respectable gentleman (Mr. Wilberforce) that the cup of liberty had been dashed from the eager and thirsting lips of the negro as he was about to drink. But the cup offered to the negro was in fact the cup of Circe, which would have intoxicated and disordered his head, and have only introduced confusion and bloodshed in the colonies. The cup of which he could drink, the cup containing the living water, was not dashed from his lips, but presented to him willingly by his master's hand, on a branch from the stock of our inestimable church establishment. In conclusion, he would state that he approved of the resolutions, and had every hope that the colonies would carry them into effect\*.

The question for agreeing to the resolutions was then put and carried.

COMMONS.—Mr. W. Smith presented a petition against slavery, from certain Protestant Dissenting ministers in the cities of London and Westminster, and their vicinity. He hoped that the petitioners would meet with aid in this good cause, from a body of much higher rank than themselves—he meant the bench of bishops. The sentiments entertained by the petitioners on this subject, had now become much too general to render them any longer liable to be stigmatized. It had been observed, as an argument against our interesting ourselves in this matter, that we had misery enough at home to alleviate, without seeking for it abroad; but this appeared to him to be the remark of little illiberal minds, for he could not conceive that the spirit of benevolence was so narrow and contracted as only to be able to shed its influence over one spot or one object at once; and he had generally found those who were most feelingly alive to the wretched condition of the poor negroes abroad, most ready to step forward to relieve their suffering brethren at home.

\* This speech is republished from the "Substance of Lord St. Vincent's Speech."—Whitman and Fenn, London, 1826.

LORDS, TUESDAY, MARCH 14.—Lord Ellenborough had received a petition which would draw their lordships' attention to a point which had not been touched upon in the late debates on West India slavery—namely, the situation of freemen of colour. It appeared, that according to the laws of Jamaica and other islands, the evidence of free persons of colour could not be received against whites. In case of their incarceration, they could not be allowed to go at large unless they obtained what was called "white bail." They could not serve as constables or jurymen, and were not even allowed to vote on the election of white men to offices. It was evidently absurd to talk of giving liberty to the blacks in the West Indies, if those men of colour who were already emancipated were not allowed to enjoy the rights of free men.

Earl Bathurst observed that this subject formed quite a separate question from the general one relating to slavery: but it had not been overlooked. Instructions on this subject had already been sent out to Trinidad, and were about to be transmitted to Barbice.

Lord St. Vincent thought that there must be some mistake relative to the rights of free persons of colour. He knew an instance of a gentleman of large fortune having bequeathed 30,000*l.* to a free woman of colour, which she received without any deduction, and then enjoyed.

The petition was laid on the table.

FRIDAY, APRIL 14.—Lord Dudley and Ward presented a petition from the Board of Council and House of Assembly of the island of Antigua. Their lordships would see that the petitioners had indulged in the expression of sentiments that were somewhat harsh—perhaps too harsh and resentful towards the Anti-Slavery Society in this country. He would, however, venture to say, that the expressions of the petitioners were not harsher than were continually applied, to the colonists themselves, by the abolitionists. But what he particularly rose to point out was, that the petitioners said, and he thought justly, that they hoped, if any measures were forced on the colonies by the mother country, for the emancipation of the slaves, and those measures were to be at all injurious to them, that they should receive from parliament a full and fair indemnity. He did not think the colonists would be entitled to any indemnity, on account of any measures adopted by parliament for protecting the slaves, and improving their condition, as slaves. But if those measures went further—if they had for their object to give relief not only in degree but in kind—if the measures were to put an end to slavery, then there must be an indemnity to the masters. Where slavery ends, compensation must begin. It was, undoubtedly, a harsh thing to say that one man was the property of another; but this state of things had been established and sanctioned by law, and practised in the colonies for one hundred and fifty years. At length, however, it had been found out that our ancestors had acted unjustly; but to make the owners of these slaves, pay the whole price of our sudden repentance, was called for neither by justice nor policy. Parliament had never shown itself willing to infringe the rights of property; it had not only protected this right, when sanctioned by



law, but it had protected property not sanctioned by law. He need only mention what happened when the Union took place with Ireland. Was it not contrary both to the letter and spirit of the constitution, that any man should say, "I can influence a dozen members of this or that corporation; I am a landlord, and can command so many pot-walloppers, and if you do not give me 15,000l., I will vote against you?" He did not blame the Government for giving the price of these boroughs, but he quoted it as an instance of the respect which parliament had felt for the rights of property. In many of the petitions, the right of compensation was admitted; but he confessed he was not without apprehension, that in the application of this principle, many difficulties would be started. They were already told, first, that it was very easy to introduce free labour, and thus supply the place of the slaves. He would say for himself, that he was second to no member of the Anti-Slavery Society in his admiration of free labour, and that he did not share the opinion of some of the colonists, who held that there was something in the cultivation of the colonies, which rendered it impossible to be carried on by free labourers. He had seen too many instances of a slight increase of wages or profit being sufficient to make men engage in difficult, disagreeable, and dangerous employments, to suppose that there would be any difficulty in ultimately procuring free labourers for the colonies; but in the views of those who supposed that a rapid transition could be made from slavery to free labour, he could not agree. Nothing was more extravagant—to take Jamaica for an example—than to suppose that three or four hundred thousand slaves in that island could be instantly converted by act of parliament into free labourers. Whether it could be done or not, and he did not think it could, it was plainly an experiment, the expense of which ought to be borne by the public, and not by the planters. The planters would also be told—indeed it had been stated in a publication—that they were not entitled to an indemnity for their whole property, but only for the value of that property, as it would be, did they not enjoy an unjust monopoly. If there was a question for some of their lordships to give up a part of their estates to make a road or a canal, would they not require compensation; and would they consent to be told that the amount of that compensation should be measured by what the land would be worth to them without that monopoly which the noble lord (King) called an unjust system—the Corn Laws? Whether a monopoly were just or unjust, the value of property ought to be estimated by what it was worth under that monopoly; and whatever advantages were conferred on it by such a law, would be considered as fairly belonging to the individual. For his own part, his interest in the question was very small, and would not weigh sufficiently with him to make him interfere, were it not that he was anxious to prevent injustice being done to those who would feel it of greater importance. In this view he had thought it his duty to call their lordships' attention to the subject, as he had done once before, under the hope that he might assist in arresting the progress of those, who entertained what he thought not a well-founded opinion as to the situation of the slaves, and who, in their modern zeal for humanity, were ready to sweep away all the ordinary principles

of justice. At the close of the petition, a suggestion was thrown out which might appear somewhat extraordinary. It was proposed that this country, or the abolitionists, should purchase the whole property of the planters—that they should take the island of Antigua into their own hands. They might then make whatever experiments they liked as to free labour. Those who were for rash experiments, might have the opportunity of trying them; but he thought it was by far most desirable that the experiment of free labour should be made by degrees, and on a small scale; and for such a trial the island of Antigua would afford every facility.

Lord *Calthorpe* defended the Anti-Slavery Society, and denied that they were hurrying on the abolition too fast.

Lord *Dudley and Ward* explained, that his apprehensions were founded chiefly on a statement of the noble lord himself. He had hoped, he said, to see the emancipation of the slaves during the life of Mr. Wilberforce; and, in the ordinary course of nature, that would be hurrying on the matter with great rapidity.

Lord *Calthorpe* said, some people were unfortunate in having their speeches misreported. At a meeting of the Anti-Slavery Society last year, he had said that he hoped, before the termination of Mr. Wilberforce's valuable life, there would be such a visible approach to emancipation, that he might enjoy the prospect of its taking place after he was gone, which would be to him a more full and pleasing reward for his past labours, than any he had hitherto received.

Some conversation taking place as to receiving the petition, which purported to be from the Board of Council and the House of Assembly, and was signed only by the Speaker of the latter,

The Earl of *Liverpool* said, that the Colonial Legislatures were authorised bodies; and as long as Parliament claimed authority over the colonies, they must have some recognised means of bringing their grievances before parliament. He did not see how this was to be done, but by the communications of their constituted officer. Some questions of this kind were probably agitated during the disputes with the American Colonies, and he should wish, therefore, that the petition should be referred to a committee.

Agreed to.

COMMONS.—Mr. *Baring* presented a similar petition from the same parties. He said, he had always been a zealous friend, first to the abolition of the slave trade; and next to the amelioration of the condition of the slaves; he therefore need hardly state, that he was no party to the strong expressions of the petitioners, respecting the individuals who were at present employed in producing hostile feelings throughout the country towards the West India system. He must further observe, that these very petitioners set forth that they believed their own negro population to be in a better state, and in a more improved moral condition, than any other in the West Indies. Now, when they stated this, he thought they must be sensible that much of that improvement in the condition of the slaves must have arisen from the attention paid to the subject in this country, and to the exertions of the persons whose conduct they arraigned. There were passages in



this petition which seemed to him to be so true and just respecting the conduct of the planters, and which tended to relieve them from so much of the obloquy that had been cast on them from time to time, that he could not avoid requesting attention to them. The petitioners pointed out, what was perfectly known to all who had considered the subject, that the slave trade was originally promoted by this country, not with a particular view to the settlements in the West Indies, but as a profitable branch of traffic. It had been held up as honourable as well as profitable to the country, and it had been defended, in the face of Europe, without any reference whatever to the interests of those persons who were now pointed out to the world as the only sinners—as the individuals who alone had reaped the benefits that flowed from it. The petitioners further stated that, for a considerable length of time, it was so encouraged even in opposition to the wishes and the interference of some of the colonies, who wished to prevent it from being carried on to so great an extent. The colonies first marked the trade with their disapprobation in 1760, when the legislature of South Carolina, then a British colony, passed an act to restrict it. That measure was, however, rejected with indignation by the Governor, who declared that the trade was beneficial to the mother country. Similar attempts had been often afterwards ineffectually renewed. Liverpool and Bristol resisted every alteration, and on reference to the Board of Trade, that board declared, in their report, that they could not think of disturbing or discouraging that trade. This was so late as 1774. "If you have now altered your views,"—such was the argument of these colonists—"you are bound to give us an indemnity, whom you have constrained to adopt that slavery which you will now no longer tolerate." This he thought a very reasonable proposition. The petitioners concluded by offering their island to the Government, for a just consideration, as a fit spot for the experiment of cultivating the West Indies. He (Mr. Baring) did not say that any experiment need be made; but if the mind of the country could not be satisfied without it, then it ought to be on a small scale, and Antigua was the best situation for it.

The petition was ordered to be printed.

**LORDS, MONDAY, APRIL 17.**—Lord *Suffield* said, that in bringing forward the present motion his single object was, not to convey civil rights, but to prevent criminal wrong. With a view to this, much might be done by acceding to what he proposed—namely, that no public functionary should have any property in slaves. The great evil of slavery was not only felt in its effects upon the slave himself, but also in the contamination of its influence upon all who were connected with the system.—He first referred to the returns of the proceedings of the Fiscal of Demarara. The number of complaints laid before him from June 1824, to the following September, amounted to 25, out of which 16 were made by slaves against their masters. Of these, the complainants in 12 cases were punished; two were restored to their masters, to be, of course, punished by them; and two obtained redress. There were six complaints by masters against their slaves, in all of which the masters obtained redress; in

four the parties having been flogged, and in two imprisoned. The rest were complaints of slaves amongst each other, with which their lordships had nothing to do. He next quoted several instances of cruelty perpetrated in Berbice, although the slaves were less harshly treated in that colony than in any of the others, and yet even there, the women are not allowed so short a respite from labour, as to enable them to leave the field to suckle their children. The case of one woman was horrible. The driver was ordered to flog her; he remonstrated, stating that she was pregnant; in reply to which, the manager told him to "give it to her until the blood flew out." She was accordingly put down, and flogged until the whip broke. This was on Friday; on Saturday she was sent to the field, and miscarriage was the consequence. A slave of the name of Brutus was flogged for not consenting to the violation of his daughter. A man, named Michael, on the same plantation, was flogged on suspicion of having stolen some articles of property, which were afterwards found in the possession of another person; and on his laying a complaint before the Fiscal, he was told that he was entitled to no redress, as he had not given any absolute proof of his innocence; and the manager was reprimanded for punishing a man upon slight evidence. In another case it was proved that the manager had been in the habit of stealing ducks and fowls from the negroes for his own table, and upon complaint made to the Fiscal, he was only ordered to pay them the value of the stolen property. A woman complained of three successive floggings which had produced miscarriage, and the manager was reproved for it. The next case was that of the negro Felix, whose wife had been taken from him by the manager for the worst purposes. The husband complained of this, and was flogged. He then went to the Fiscal; and what was the redress he had received? The Fiscal ordered him to be flogged for leaving his work unfinished; and the manager was reproved for taking improper liberties with the women on the estate. Having referred to several other cases of this description, where the parties had complained to the Fiscal, and obtained no redress, he observed, that he thought he had sufficiently shown that that officer had been guilty of gross partiality. In every instance the slave was more likely to be punished for complaining, than the master for committing the crime. In short, it was such a mockery of justice, as was only to be accounted for by the corrupt influence of the system of slavery upon the mind, and which could only be removed by their lordships acceding to the motion which he was about to make.—Having now made out a case of obstinate resistance to their own interests on the part of the planters, in not complying with the wishes of the Government of this country, who were anxious that the work of amelioration should proceed from the colonists themselves; and of gross partiality on the part of the Fiscal; and if all that was not sufficient to warrant their lordships in agreeing to his motion, he thought he could supply every deficiency by reading two opinions from the report in his hand. (His lordship then read passages from the report, which set forth that guardians of slaves, themselves possessing property in slaves, always evinced partiality in favour of the whites; and juries, for the same reasons, acted



with the same partiality). The noble lord concluded by stating, that he was aware of the consequences to which the part he took on this subject exposed him. He had already received much abuse, and was prepared to meet with more; but nevertheless, so long as he drew breath, he would persevere in the advocacy of this cause, and endeavour to excite such feeling as would bear the friends of the cause through in the accomplishment of their object, as soon as it might be done with safety. Under these circumstances, he moved "that an address be presented to his Majesty, praying that he may be pleased to appoint to the civil government of the colonies, to the offices of judge, attorney-general, fiscal, guardian of slaves, and religious instructor, such persons as are neither owners of, nor possessors of any reversionary property in slaves, nor the agents of slave owners."

Earl Bathurst opposed the motion. The noble lord, in mentioning the cases which he said had been decided in favour of the masters instead of the slaves, should have made some allowance for the difficulties of the situation of the fiscal. In the colony of Demerara, the fiscal had encountered the greatest difficulties, on account of the opinions of the slaves; and before he could make any impression on them, he was compelled to undeceive them as to what was meant by this country; for they actually imagined that the parliament had resolved to set them free. It appeared from the noble lord's statement, that the commissioner employed by Government was possessed of some property in slaves. As for the instances of cruelty, he might appeal to any noble lord, whether in former times, cruelties, just as horrible, had not been committed in this country by masters against their apprentices? He admitted the excellence of the principle urged by the noble lord, but he doubted the possibility of carrying it into execution, at least with respect to more than one or two of the chief officers of the colonial government. The other officers would not find a sufficient motive in the emoluments of their offices, to undertake them, without being possessed of any interest in the colony. According to the way in which the resolution was drawn up, none except one or two of the principal officers could have any domestic; for in slave colonies, none but slaves could be had to fill that situation. His lordship concluded by moving the order of the day.

Lord Ellenborough thought this resolution would be productive of the most mischievous effects; and he was convinced, that if any thing was done, it must be by the silent operation of the expressed opinions of this Government, and by the example which they set in the treatment of the slaves more immediately under their control. As to our legislating for the colonies, he was convinced that ministers dare not submit such a proposition—that parliament would not adopt it; and if it did adopt it, the people would not second it—nor could it, if it were carried, be executed without danger to the colonies, and without incurring the risk of sacrificing the slaves themselves. A great evil had been done by putting forward emancipation, as the object of their efforts. If they would talk of emancipation, when they had no means of affording compensation to the masters, they would injure the cause they meant to assist.

After a few words from Lords Dudley and Ward, Calthorpe and St. Vincent, the motion was withdrawn.

THURSDAY, APRIL 20.—Lord Redesdale presented a petition from certain merchants and others of the city of London, proprietors, mortgagees, or who had made advances on West India property. The noble lord dwelt on the distress to which persons interested in West India property had been reduced by the proceedings in parliament relative to the subject of slavery. At present no person would advance a shilling on West India estates; but, amidst their distress, the unfortunate proprietors were obliged to go on, or the slaves would starve. Thus there was no hope for them, since they could not get rid of their property; and they must continue to cultivate it at a loss. Married women, whose settlements depended on plantations, and orphan children, were left entirely destitute. Persons who held mortgages, if they applied to the proprietors of plantations, could obtain no money. If they instituted proceedings for the sale of the mortgaged estates, and if they adopted that course there were no buyers to be found. The object of the petition was to induce the legislature to do something towards restoring in some degree the value of this property.—With regard to the emancipation of the slaves, that measure could only be brought about by the operation of time. Rash and precipitate measures might lead to all the horrors which the decree of the National Assembly had produced in St. Domingo. The prudent course would be to teach the negroes to feel the value of property, and of some distinction of rank in society. While the negroes remained all in a state of equality, this preparation could not be accomplished. He thought that the steps towards such an object would be with most advantage taken entirely by the colonial assemblies themselves. The petitioners deprecated any interference with the colonial legislatures, as acts of power might produce effects which at present could not easily be foreseen. It seemed to be suggested as a principle to be adopted on the other side of the Atlantic, that no further European influence should be allowed to extend itself there. He trusted, however, that under all the circumstances which might arise, the colonies would always look for protection to this country, and would find it afforded them.

The Earl of Liverpool could assure his noble friend, that if there existed an intention in any parties in this country to precipitate the emancipation of the negroes, without due preparation, no man could be more opposed to such intention than himself. The great interests and property at stake demanded caution, especially when it was considered that the Government and parliament of this country had been parties to the evils of slavery, in consequence of the direct encouragement which had for 150 years been given to the state of things existing in the West Indies. Having said thus much, he must express his deep regret that the colonial legislatures should have proceeded in the course which they had hitherto thought fit to pursue. They had shown a disposition, not to amelioration, but to resistance. He desired that their lordships would look at the nature of the measures directed in the instructions which had been sent out to the West Indies, and say whether any



possible evil could result to the colonies from adopting those measures. He agreed with his noble friend that measures of amelioration could be most advantageously carried into effect by the colonial legislatures themselves. But if they persisted in refusing to attend to the recommendation which had been given them, it would be the duty of parliament to interfere. He trusted, however, that whatever regulations the colonial assemblies might think fit to carry into effect would be adopted in the spirit of peace and conciliation, and that the Government would not be placed in the unfortunate situation of being obliged to resort to measures which might be necessary to enforce the course which had been recommended.

The Lord Chancellor regarded it as most fortunate for the country, that the language which had from first to last been held on this question in parliament, had been recommendatory of a gradual abolition. He must, however, beg leave to doubt whether the same opinion pervaded the whole body of the abolitionists; for if noble lords would examine the greater number of the petitions which had been presented to the house on this subject, they would find that they, in general, contained an express prayer for the immediate emancipation of the negroes.

The Marquis of Lansdowne denied the assertion of the learned lord, that the greater part of the petitions prayed for immediate emancipation.—He thought the colonists could only deliver themselves from the perilous condition in which they were placed, by adopting the course which had been recommended to them, and following the example held up to their imitation. With regard to the measures of emancipation, there could be but one sentiment; which was, that they ought to be gradual, and of a nature calculated to ensure that moral improvement by which alone the negroes could be fitted for the enjoyment of freedom.

COMMONS.—Mr. Baring presented a similar petition from the same parties. He expressed his own opinion that the holders of that property, before as valid and secure as any other, and now threatened with increasing danger from the measures taken against them, had nothing to fear from the sense and justice of parliament; but that it was impossible to know how far the madness of the public mind might be driven to their undoing.

A desultory discussion then took place, in which Messrs. Warre, Bernal, Manning, T. Wilson, and R. Ellis, complained of the violence and exaggeration of the anti-slavery petitioners, and Messrs. W. Smith, Sykes, and Dr. Lushington, of the violence and exaggeration in the statements of the West India proprietors. In the course of this discussion,

Mr. Bernal said, that a recent work of Mr. Stephen contained, amongst other misstatements, a charge against the West India proprietors, of branding their slaves. The practice was totally abandoned. He was certain that persons guilty of practising such a barbarity at present, would be held up to general odium. Slaves who had been condemned for acts of a particular description were, he believed, still branded, as had formerly been the practice in this country with respect to certain criminals; but the general charge was untrue.

Mr. Sykes said, that by a reference to the *Jamaica Gazette*, which he held in his hand, he

found that the practice of branding was very common. He found these words in an advertisement:—"William, a freehold slave, aged 40, marked W. D., and Caesar, a freehold Creole, in height about five feet four inches and a half, belonging to St. Mary's, and also marked K. B., with other negroes marked and unmarked together, with several horses (hear, hear), will all be sold together." He thought this was sufficient to refute the statement of the hon. gent.

Mr. W. Smith held in his hand the Supplement to the *Jamaica Gazette*, (16th February, 1826), which showed that the practice of branding was not an old story, but a still subsisting act. It contained such entries as these:—"La Clarendon workhouse, Tick, a creole negro, mark 8; Richard Smith, a creole negro, mark W. S., a diamond, and a large scar. At St. Mary's workhouse, Agnes, a creole, mark a diamond; Jack, a creole, W.S.P.; John Williams, a creole, mark A.T.; W. Brown, a creole, mark P.S.C.W., &c. &c."

Mr. Bernal remarked, that when they considered the Negro population of Jamaica to amount to upwards of 300,000, these instances of the practice alluded to were rare indeed. All he had said was, that this mode of marking was not general, and was discontinued. These workhouse cases were generally those of runaway negroes, of bad repute. For himself, he begged to be understood as denouncing the practice, but he repeated it was of rare occurrence.

Mr. Rose Ellis pledged himself to prove that the practice, so far from being tolerated, was made penal by colonial acts, and there had been an instance of the prosecution of a master for branding a slave, as an act of cruelty.

The petition was then ordered to be printed.

Mr. W. Smith then rose to submit a motion respecting the slave population in Demerara and Berbice. He began by commenting on the perverted feelings which the property in slaves gave rise to. He found it stated that on a recent trial in Berbice, the Attorney-General expressed his horror of the language which had been used, to the effect, that "there was no more harm in killing a negro than a dog." This was the feeling and language produced by the system. It was now many years since the public voice of England had pronounced its abhorrence of the whole system of slavery; and if any man should hereafter vest his property in the purchase of slaves, he would have no claim to pity or to redress from this country. He proceeded to vindicate the missionaries from the charge of exciting discontents in the minds of the negroes. These discontents had been made the pretext for delaying the adoption of the measures recommended by Government in 1823. The missionaries in Antigua, where, according to the petition presented from that island a few nights since, the slaves were better off than in any of the other settlements, had practised the same conduct, and preached the same doctrines, as elsewhere; and yet, to believe the assertions of the enemies of the missionaries, the house must suppose that what would produce happiness and tractability among the slaves in Antigua, would lead to insurrection and disorder in Demerara. He was disposed to refer to other and



more obvious causes the dislike which the Negroes manifested of the men who had oppressed them. During several years, circumstances had occurred which were calculated to produce an irritation, always likely to break out into insurrection. In 1789, an insurrection took place: the Negroes fled into the woods, and the most severe means were resorted to in order to put down and punish them. He would not recapitulate the horrors of that event. Mr. Bryan Edwards and other historians of the West Indies had preserved the details, which, while they were such as to make the blood of an European run cold, would make that of a Negro boil. On a more recent occasion, there had been acts of cruelty and outrage on the part of the Negroes; they had committed murders—no matter how many; burnt plantations—to a considerable extent; but this had been when there were no missionaries among them, and when their doctrines and their conduct had not yet begun to exercise their influence. On the last occasion which had happened, in Demerara, that influence had been exerted, and not a single white life was lost. The ill-treatment of the slaves was one of the principal causes of their insurrection. The private journal of the late missionary Smith, contained instances of punishments inflicted on slaves, which were far more likely to have produced in their minds resentment against their masters than his preaching, even if it had been such as his enemies had represented it to be. On referring to the returns, he found a strong confirmation of his opinion respecting the treatment of slaves. It appeared, that only one of the persons complained against by slaves for ill-treatment had been punished. His crime was something more palpable than ill-treatment—it was that of not having given his slaves a sufficient quantity of food. Another instance, with which he would trouble the house, was that of a slave, named Felix, who complained that after having lived for two years with a black woman, the manager of the estate had taken her away from him, although he had a wife of his own; that he was always taking away the Negroes' wives; that Felix's wife had had a child by the manager, and that, since the birth of that child, the manager had frequently punished Felix and his wife without any cause. On hearing this complaint, the fiscal examined witnesses, by which it appeared, that Felix having been punished for leaving his work, preferred this complaint against the manager. Felix was therefore sentenced to be punished; but the manager was also reprimanded for taking improper liberties with the female Negroes on the estate, and the owner was recommended to discharge him. In 1815, an overseer was taken up in Demerara, who had been guilty of a most heinous outrage—indeed, one for which he would have been torn to pieces by an indignant populace in this country; and what was the consequence? He was fined 25*l.*, and committed to prison for a short period; and, as soon as he came out, he was again taken into the employment of his former master, as the manager had been, in the former instance. He believed that ministers either had appointed, or intended to appoint, protectors or guardians of slaves; but this of itself would not be sufficient; it should also be provided, in order to render this measure of any service, that these protectors should neither be owners of plantations or of slaves, or in any

way interested in their labour. Without some provision of this kind, the measure would be wholly inefficient. He knew very well that in Demerara, the captain burghers, who had the deciding of causes, were themselves too interested as parties, to be likely to administer impartial justice: besides, they were incapable to act as judges, from another cause. Mr. Henry, who went to Berbice some years ago, as well as several other persons, represent the law of that district as a matter of great nicety, and as requiring considerable acuteness to comprehend and administer it, and that the captain burghers knew nothing at all about it. He (Mr. Smith) did not mean to accuse these persons of cruelty or barbarity: all he meant to say was, that they were wholly incapable of fulfilling the duties of the situations in which they were placed; and, if they were unfit to administer justice between the whites, still more were they unfit to decide differences arising between negroes and their masters, these latter being their companions, and having similar interests with themselves. —To revert to the subject of the missionaries, it had been strongly objected against Smith in Demerara, that he had gone about inquiring into the condition of the slaves, and as to how they were treated by their masters. Now, this very conduct, which had been so much reprehended in Smith's case, was enjoined by the Spanish laws, which directed that the priests should examine the slaves as to what kind of treatment they experienced from their masters, and whether they were properly supplied with food; and that, in order that the slaves might not be deterred from making just complaints, the priests were forbidden to reveal their communications. —They were told that slaves were not in a fit state for emancipation; he believed they were not, and should be sorry if any order was issued for their immediate emancipation. But, be they what they may, they were exactly what their masters had made them. Their masters had possessed an unlimited authority over their slaves. Had they used it for the purpose of humanizing them? On this point he wished for no other concession than that which had been made over and over again by Mr. Bryan Edwards, who had admitted that the state of the West Indies was truly deplorable; that the example set by the colonists to their slaves was such that it was no wonder that the slaves, instead of improving in their conduct and morals, actually deteriorated. There was an old story of the King of Prussia, who, when a soldier had been brought before him charged with some disorderly conduct relating to the fair sex, asked if he was a good soldier, and, upon its being answered in the affirmative, he ordered him to be discharged, saying he had nothing to do with his amours. So it was with the colonists: all they cared about their slaves was, that they should work well; and as to their morals or instruction, those were matters about which they never thought of troubling themselves. If all the negroes, for the last forty years, had been properly treated and instructed,—if a redress of their wrongs, and a cultivation of their minds, had been set about in good earnest, he entertained no doubt but that we should now have had our West India colonies filled with a sound, moral, and intelligent population. A commissioner had been sent from St. Christopher's to inquire into the state of the island of Anguilla, and his report respecting it



was, "that the ground was poor; there was no capital, no government, no punishment of crime, no morals; that the slaves had no clothing, and very little food; and, to sum up all in one word, that it was impossible to imagine a system more ruinous, both to master and slave." Now, from calculations which had been made, it had been clearly deduced, that in those colonies where the greatest quantity of sugar was grown, in proportion to the number of slaves, there was the greatest sacrifice of human life. In most of the colonies where much sugar was grown, in proportion to the number of slaves, there had been a considerable decrease in the slave population. In Barbadoes, where the least sugar was grown in proportion to the population, there had been a slight increase; and in Anguilla, where the proportion of sugar grown was only about two hundred weight to each slave, notwithstanding this island was in the very deplorable state he before described, still the slaves appeared to be vigorous and healthy, and the population was increasing. He should now merely read over the resolution which he was about to submit. "Resolved—That from the official documents laid before this house, and other authentic information, respecting the colonies of Demerara and Berbice, it appears, that although protection has been held out to the slave population of those colonies, either by the fiscal or chief judge, in the capacity of protector of slaves, or by some other person acting in that character, yet the slaves have generally been, and still remain, exposed to numerous vexations and grievous oppressions, demanding effectual relief; and that the house has therefore observed, with great satisfaction, the declared determination of his Majesty's ministers to promulgate in those colonies an order in council on this important subject, to which qualified obedience will be required. But that, from all reasoning and experience, this house is led to conclude, that no legal enactments, however well devised and strongly framed, can prove sufficient for such effectual safeguard of the slave, unless the officers, both principal and subordinate, to whom the execution of the law is to be entrusted, shall be appointed and supported by the Government at home, and absolutely be prohibited from possessing or employing slaves in any capacity, either predial or domestic."

Mr. W. Horton said, that the greater part of the hon. member's speech was so little applicable to the resolution that he had submitted, that he felt some difficulty in knowing whether he was to address his observations to the speech or the resolution. As, however, the course taken by ministers with regard to the Order in Council for Trinidad was at present in full operation in Demerara, and would shortly be so in Berbice, he thought the house had better await the result of those orders, than occupy itself in censuring past offences. A gentleman had already been appointed by the power vested in the Crown to act as the protector of the slaves in these colonies, and would leave this country in a short time, to take upon himself the duties of that office. The protector of slaves was instructed to watch strictly over the execution of all provisions made, or to be made, for the benefit of the slave population,—to apply to the governor of the colony for assistance, in case the powers with which he was vested were found insufficient to the discharge of the trust reposed in him,—to visit the slaves in person,

for the purpose of seeing that they were properly treated by their masters, and of affording them speedy redress when they were maltreated,—to be accessible upon all occasions to slaves, who had complaints to make to him,—to see that those complaints were legally examined before the proper tribunal,—and to use every exertion in his power to make the slaves understand that the provisions made on their behalf were not intended to interfere with the labour and industry which they owed their masters, but to secure to them the protection which they required. He should be able to lay the instructions in full on the table of the house in a few days; but he trusted that what he had stated would satisfy the hon. member (Mr. W. Smith), in whom, he thought, that it would be wisest to draw the attention of the house to the favourable prospects of the future, than to involve it in these inconvenient discussions on the past, from which no advantage could be derived to any party.—As to the hon. member's declaration that it was desirable that all persons connected with the tribunals in these colonies, subordinates as well as principals, should be prohibited from having any property in slaves, he (Mr. Horton) was prepared to say that in the case of the protector of slaves, of the Chief Justice, and of the Attorney-General of the colony, the Government was determined to enforce that principle: but he doubted the prudence of carrying it into effect with regard to all the minor officers of judicature. A regulation to that effect would render the property in slaves a degradation; contrary to the resolutions unanimously assented to in 1823, which recognized that species of property, and promised it ample protection. The hon. member had adverted to the insurrection which had broken out in Demerara two or three years ago. He had said that it was calumnious to attribute that insurrection to the causes to which it was usually attributed, as it arose principally from the unsatisfactory situation of the slave population. Now that was an admission which he (Mr. Horton) was very glad to hear. The hon. member had heretofore denied that proposition, which Ministers had always insisted on, and of which they had received further evidence by one of the last despatches of Sir B. D'Urban to Lord Bathurst. As to what had been said respecting the cultivation of sugar, he did not think that any unfavourable inference should be drawn against the West India Proprietors from the circumstance of the cultivation of sugar being attended with more extensive mortality than that of other articles. The same argument might apply to the collieries in this country. Mortality was much more extensive in the minorities from the fire-damp—from the greater labour undergone there, and from various other circumstances, than perhaps in any other occupation. This was owing to the unhealthy description of the labour, which, in some employments, was greater than in others; but it was a consideration altogether distinct from, and unconnected with, the mal-treatment of the slaves (hear, hear). Indeed, as to the charge of mal-treatment, from the various reports—reports which he had no reason to doubt—the statements which were made of the cruelty and hardships of the slaves were greatly exaggerated. And he would take this opportunity of animadverting upon the efforts that were made to work upon the feelings of the country, by inducing them to believe that the condition of the slaves



was more harsh than it really was. Government was disposed to do the utmost to ameliorate the condition of the slaves; and it was injurious to the cause which they professed to support, for gentlemen to work upon the feelings of the people, and to induce the country to go beyond the Government in its plans of progressive amelioration (hear, hear). The resolutions which had already passed the house, pledged Government and the parliament to certain measures—these measures had already taken place in some colonies, and Demerara and Berbice were on the eve of reaping all the advantages of them.—That the property of slaves should not be vested in the high functionaries in the colonies, he conceded; but that the subordinate officers should be trusted with the possession of such property, he thought was not objectionable but useful. Under these circumstances, therefore, he felt himself justified in moving the previous question.

Mr. R. Ellis bore testimony to the general humane treatment of the slaves, and lamented that when any exception occurred, the odium which it excited extended to all the planters, instead of being confined to the individual who deserved it. He coincided with many of the remarks which had been made on the report furnished by the Fiscal of Berbice, and admitted that it was impossible to read many of the complaints which had been made to him without feelings of disgust and horror. He was grieved that in the report none of the evidence by which those complaints had been substantiated or refuted was given; and still more that during the last twelve months there was an omission of any record of the Fiscal's decisions. To judge properly of that report, the house ought to know in how many cases redress had been claimed and afforded, and in how many it had been claimed and refused. He had made an analysis of that report; and he had found that, in the first section of it, out of 43 cases of complaint which had occurred in the last 13 months, 27 were judged to be altogether groundless; 8 were cases in which both parties were declared to be in the wrong; and 8 only were cases in which the complainant was declared to be in the right. Applying the same analysis to all the cases in the report, he found that out of 333 cases of complaint, 200 were declared to be unfounded. Of the other 133 cases, in one half, both parties were in the wrong; leaving 67 cases only of real complaint in fourteen years, or about five cases yearly, with a population of 20,000 negroes. With reference to the individuals who might be sent out to superintend the execution of any improvements, he had one observation to make. He hoped that those persons would be persons unconnected, either with the colonies on the one hand, or the Anti-Slavery Society on the other; and he thought it particularly fit that they should be lawyers, and men of character in their profession. The want of a due attention to this principle was particularly apparent in the allowing governors of colonies to be presidents in the courts of chancery—a species of duty for which their habits and education as military men rendered them in most instances unfit.

Mr. R. Martin requested the hon. gent. (Mr. Smith) to withdraw the resolution, because it could do no service to the slaves, and would be likely to create dissension in the colonies.

Mr. Denham had not heard, during the whole discussion of the evening, a single satisfactory objection to the resolution of his hon. friend.

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All that the motion required was, that individuals who were the owners of slaves should not be appointed to fill certain offices in the colonies; and he thought that it would not be improper to confirm what had been in part done by Government, by a resolution of that house.

Mr. Baring thought it might be observed with great propriety, that while, on the one side, it was dangerous for the house to interfere with the management of the colonies in opposition to Government, on the other hand, their interference, if in favour of what Government had already done, was little less than utterly useless—indeed it might not only be useless, but dangerous. What was the case made out on the part of the hon. gent. who proposed this resolution; and in what position did the house stand? A resolution had been carried in this house, which the government were now in the progress of carrying into execution in the colonies. The hon. gent. (Mr. Smith) did not want to go faster; he did not contend for immediate emancipation, for indeed, he had allowed it to be dangerous. Then for what did he contend? He ought to state distinctly what he meant, for experience had shewn, that the vague reports that reached them, respecting the intentions of parliament, operated most injuriously on the minds of the slave population. He did not mean to impute such an intention to his hon. friends round him; but he could not conceal from himself that there were persons who, finding that the system of gradual improvement would not suit their purposes, wished to infuse into the minds of the negroes an idea that parliament was goading on the Government to do something further for them (hear hear). Such seemed to be the sole object of the proceedings of the Anti-Slavery Society (hear, hear). He believed that their proceedings were not only totally irreconcilable with common prudence, but that they were opposed to the true interests of those people for whose advantage they were intended, and that they were calculated to produce irremediable mischief and most extensive confusion (hear, hear, from the ministerial benches). He had not wasted his time in reading the pamphlets issued by this Society, but he thought he had not been mistaken in his description of them. The members of this house, who concurred in the proceedings of the Society to which he had alluded, in some measure followed up the example, by frequent notices on this subject. A learned gent. (Mr. Brougham) had given, on the first day of the session, a notice of a motion with respect to the state of slavery in the colonies. That motion had been put off from day to day, until nearly the last day of the session. Then there was another incidental notice about Demerara, by another hon. member (Mr. Buxton); and there was still another little motion by some other hon. member, all tending to excite and maintain a ferment in the country. It was already on record, that the partial insurrection which had taken place in Jamaica had been caused by these means. The negroes laboured under the deception, that there was a conflicting power at home acting in opposition to the Government under which they were living. The negroes of the best conduct and characters were the most deceived. Their masters had so described them in their account of the insurrection. He trusted that this instance of the effect of unnecessarily agitating the colonies, would serve as a warning to hon. gents. In his opinion, the measures already adopted by Go-



vernment would, in the course of time, by preparing the minds of the negroes, do all that could be done for them. But the precipitate conduct of persons in this country could do nothing but mischief. The methodists who, he believed, had done more than any other class towards the moral and religious instruction of the slaves, came to a resolution in Jamaica, that the condition of slavery was not repugnant to christianity. This did not please the people in this country, who from one end of the year to the other were talking about slavery without knowing any thing about it, and they said that the resolution must be recalled. He had no doubt that the state of slavery formerly existing in the colonies required the interference which was now in progress; and if the country was satisfied with the course now pursued, we should arrive many years sooner at the object of the wishes of all classes, than by goading on the Government to greater and more dangerous exertions (hear, hear).

Mr. Brougham was compelled to complain of the gross misrepresentation of his hon. friend (Mr. Baring), both of certain members of that house, and of the Anti-Slavery Society. His hon. friend charged that society with agitating the country on the subject of negro slavery, and with creating the feeling which existed abroad, and which he (Mr. Brougham) was happy to know, would exist till it had produced an effect on the deliberations of that house, if necessary; on the conduct of Government, if that conduct should require such influence; and last, but not least in this question, on the West India legislatures themselves. He (Mr. Brougham) denied that in the publications emitted by the society, or the speeches made at their meetings, they had made an appeal to the passions; they had only repeated facts, stated in the first place out of the mouths of the West-Indians themselves; and by those facts had the feelings of the people of England been unanimously roused. In justice to the society, he wished that his hon. friend would not find time to condemn publications which he could not find time to read. He (Mr. Brougham) had read the accounts of almost all the Anti-Slavery Society meetings, and although the persons attending those meetings were naturally excited by the nature of the question with which they had to deal, he had never observed an instance—he made no exception—in which emancipation,—rash, sudden, and immediate emancipation—was recommended by the most ardent friend to the improvement of the negroes, or the most inveterate enemy of slavery. With respect to the publications put forth by the society, they consisted only of abridgments of papers laid before parliament.—His hon. friend (Mr. Baring) had accused him of having given notice of a motion on the subject of slavery, and of having put it off from day to day, which it was said had a mischievous effect. He had certainly given notice of a motion, and had attended from day to day, prepared to bring it on; but he was prevented by the discussion on a petition by his hon. friend (Mr. Buxton), which had drawn from the rt. hon. sec. (Canning) a detail of facts, of which he alone as a minister could be supposed to be possessed. He (Mr. Brougham) had since found that the rt. hon. sec. was deluded in the information conveyed to him. By the statements of the rt. hon. sec. he (Mr. Brougham) had been led to suppose that something had been done; but he had since reason to

believe, that what was done by the colonial legislatures was only a mock compliance with the wishes of the Government. He would pledge himself to prove, that nothing of what was then stated as having been done was accomplished by the colonial legislatures. Having, for the reasons he had mentioned, been induced to postpone his motion, he was obliged by inevitable engagements to put it off for six weeks, and had since fixed on the 11th of May, the earliest day at which he could bring on his motion.

Mr. Canning:—"In the view, sir, which I take of this question, it lies in a very narrow compass. If the motion were made with the object of throwing suspicion on the intentions of Government, either as they were originally conceived, or as they have been carried into execution—if it were thought necessary to arraign the Government before parliament, either for departing from the pledge it had given, or for having neglected to enforce the system, resolved on by parliament, by all the means in its power, there would be sufficient reason for rejecting the motion, when I should, as I easily might, have disproved the allegations on which the suspicions were founded. But the singularity of the present motion is this, that it professes, as many other motions of the same kind have professed, to be brought forward with the object of furthering the views adopted by Government, and of supporting its efforts in attaining that common object, in which the parliament and the Government concur. On a motion so founded, if I were to venture to give an opinion, I should say, that it was both inauspicious and unpopular, professing, as it does, not to oppose, but support—not to arraign, but encourage, the Government. I much doubt, sir, whether it answers this professed purpose. The present is not the only motion made with the same professed object; it is but a series or part of a system—a specimen of the whole. No man can look at the great question to which the motion refers, without being sensible that it is involved in an infinity of difficulties. In its first and principal characteristics, it is so plain, that no man can consult his own bosom, and not come to the conclusion of those who have expressed themselves in the most emphatic terms—those, however, who are most warm in its favour cannot examine the conduct of Government, and compare it with its means of action, and justly accuse it of either lukewarmness or insincerity. At an early stage of the proceedings, Government had the good fortune to propose resolutions, in favour of which the house came to an unanimous conclusion. From that time forward the proceedings of Government were not to be judged of by any pre-conceived principles of action, but by those resolutions, and by the conformity of its conduct to them. It was not to be judged of by the opinions of any individuals; for they had, by the common consent of the house, been overruled; and the only question which could be raised was, whether the Government, in sincerity and to the best of its judgment, had used all the means in its power to carry the resolutions into effect? With the exception of the threatened motion of the learned gent. (Mr. Brougham)—and I do not mean to bind him to the terms of his promised motion—but with the exception of that, I must say, that all the motions which have been brought forward, or threatened to be brought forward, are hazardous to adopt, not fit for discussion, and all calculated



to retard, not accelerate, the purpose for which they are professedly brought forward. They are not judicious, as they disturb the temper—and they are not fair, as, under the pretext of aiding the Government, they interrupt its course, and break down into mean and insignificant details and divide into fractions what parliament has resolved to treat and promote as a whole. The hon. member (Mr. W. Smith) says he brings forward his motion to aid the Government. Sir, I tell him the Government does not want such aid. It is an aid which rather adds to our incumbrance than increases our power. What, sir, let me ask, are the difficulties in our way? On the one part, we have over-weening expectation of too sudden results, the hopes of wrong-placed enthusiasm, inculcating impracticable measures. What are the difficulties on the other? Obstinate resistance to the projects of the legislature, impeding all our operations. Are these two classes of difficulties lessened by this course of proceeding? Resolutions, sir, are brought forward at public meetings—I do not by any means wish to speak disparagingly of public meetings—but resolutions are brought forward at them, which only add to the enthusiasm of the already enthusiastic; and when they are known and promulgated to the world, threatening those at a distance, they make obstinacy more obstinate, and apprehension more fearful (hear, hear). If the object of such motions as the present were to condemn us, we must justify ourselves, or submit to condemnation. But they are brought forward to assist us; and every motion is an impediment in our way, and makes more difficult of execution the task imposed on us. I say, that these statements and these motions throw enormous difficulties around the object, and that, perhaps, against the wishes of those who pursue this course, making it less practicable, and postponing final success. On the one hand, by all such appeals enthusiasm is augmented; on the other, the angry passions are aroused, and the alarms quickened, of those who believe they are to be the victims. New opposition is engendered, new difficulties created, the old ones aggravated, and all the obstacles which lie in the way of attaining our common object are multiplied. It is said, “here are facts which ought to be known, and cruelties which ought to be stated, to excite the abhorrence they deserve. You cannot annihilate these facts—you cannot annihilate these cruelties: they are atrocities which cry for retribution—they are placed on record, and cannot be defaced. It is right that such monstrous cruelties should be stated, and known to the world.” If the question now were, sir, whether this system should be upheld or not—if there were any lingering reluctance to acknowledge its enormities—the object of bringing forward such motions would be fair, just, and necessary. I can understand, if such were the case, what would be the logical object in bringing forward such statements; and I can understand the logical conclusion which might be drawn from them. But this is not the object to be obtained. No man upholds the system. All agree that it is necessary to amend the system; and these facts are only brought forward to excite that enthusiasm here, which requires control, and which can lead to no practical good (hear, hear), and to excite in the colonies a determined resolution, that must be overcome

before the purpose can be carried into effect. On this ground, sir, and on this ground alone, I am inclined to oppose this motion. This is not the first or the second motion which has been made, and it is not the last, by five or six, that are threatened to be made, which are intended, as it is said, for the purpose of strengthening Government, and which are only calculated to augment its difficulties (hear, hear).—Before I sit down, if the opinions or intentions of Government be doubted, I am prepared to state, that it is the fixed determination of the Government to carry into effect, without regard either to the opposition on the one hand, or the stimulating zeal on the other—without being driven out of its course by the enthusiasm of the people here, or the apprehensions of the colonists—it is the determination of the Government to carry the resolutions agreed to by parliament into full effect. The orders in council, drawn up consistently with those resolutions, contain the expression of our avowed object; and if those orders cannot, from circumstances, be immediately adopted, we shall steadily keep the object before us. The orders in council contain the expression of the general system of Government; and Government, with the assistance of parliament, will find the means and the power, sooner or later, of carrying that system into execution (hear, hear).

The motion was then negatived without a division.

TUESDAY, APRIL 25.—Lord Nugent rose to submit a motion for leave to bring in a bill for the better regulation of courts of justice in the West Indies. One of the first objects of the bill would be, that the judges of the Leeward Islands should be rendered independent of legislative assemblies, as far as the payment of their salaries, which should be paid from the Government-house; that the judges should be prevented from receiving any emolument, or holding any other office in the colonies. The second object would be, to have three chief justices, one who would hold his sittings in Jamaica, and the two others to make their sessions every year in the smaller islands. He would affix the salaries of the judges at such a liberal rate, as would ensure the offices being filled by persons of the highest character at the bar. His intention had next been to cut off from persons holding the situations of judges, every link which might be supposed to give them a common interest, or even understanding, with the planters—he meant, to enact that no judge should be competent to hold land, or to possess slaves, in any of the colonies. By the law of England, judges of prize courts, during the late war, had been prohibited from holding any property in vessels with letters of marque; and the consequences to be apprehended from any possible influence of feelings in their decisions, were far less important than such results would be where the lives or liberties of human beings were at stake. As he fancied that he saw the line for reform pretty clearly before him, and felt that the subject was one of high importance, he certainly should have pressed his proposition as strongly as possible upon the house; but circumstances had recently occurred which made that proceeding unnecessary. He had received, only two nights since, a communication from the right hon. colonial secretary, stating that the third report of Mr. Dwarries,

on the state of the courts of justice in the West Indies, was nearly ready for production, and that, as soon as ministers had that document before them, it was their intention to take the subject formally up, and devise some sufficient code. This being the case, he should merely say farther, that he felt the greatest gratification in seeing the question transferred to hands so much more able than his own; and should withdraw his motion.

Mr. Hume presented a petition from Mr. Augustus H. Beaumont, who was possessed of considerable property in Jamaica, but was at present resident in London. The petitioner stated the difficulties which stood in the way of ameliorating the condition of the slaves, in consequence of the apprehension entertained by the colonists for the security of their property in the event of emancipation. He (Mr. Hume) considered that the property of every man in the state was only valid in consequence of the protection afforded it by law; and the oldest Peer, or first commoner in the realm, had no higher claims to property than were possessed by the West India proprietors. In 1774, two bills were introduced into the Jamaica legislature to put an end to the slave-trade; whereupon a strong reprimand was sent out from this country against any interference in a trade which was so beneficial to the interests of the mother country; and thus a direct sanction was given to the acquisition of property in slaves. The petitioner stated, that there was not a proprietor in the colonies who would not freely consent to the abolition of slavery, if the security of their property was guaranteed; and it would be idle to look for any amelioration in the condition of the slaves by any measures opposed to the obvious interests of the proprietors. The great object should be to carry the colonists with the parliament at home in all their measures of improvement, and not to use language which might induce the colonies to adopt a course of opposition.—The petitioner concluded by expressing a hope that some assurance would be given of an intention, on the part of Government, to secure the property of the colonial proprietors; for if the black man was entitled to the mercy of the house, the white man was entitled to its justice.

After a few words from Mr. Canning, declining to enter upon the subject till Mr. Brougham should bring his motion forward, the petition was ordered to be printed.

THURSDAY, MAY 18.—Mr. Hume presented a petition from G. C. Rapier, a free person of colour, and a native of Grenada, complaining of the obstacles in the way of the negro's attaining his freedom, in the West Indies. In addition to the disinclination amongst the whites, a person of colour was obliged to pay no less than 92*l.* currency, as the cost of the bill by which he became entitled to the full rights of a British subject.

Dr. Lushington said, that he had received a similar petition, which was signed by all the free people of colour in the island of Grenada, who enjoyed no inconsiderable part of the property in that colony.

Mr. W. Horton thought that the colonists would do well to take into serious consideration the condition of the free people of colour (hear, hear). If they did not undertake the consider-

ation of it themselves, it would be forced upon them soon by the natural course of events, and they would then be compelled to accommodate their laws to that new state of things which had recently grown up among them (hear, hear).

Mr. Bernal assured the house that this subject had not escaped the notice of the colonial legislatures.

The petition was then ordered to be printed.

FRIDAY, MAY 19.—Mr. Brougham, in rising to bring forward his motion upon this subject, desired that the resolutions of the 15th of May, 1823, might be read:

The resolutions (see, *ante*, p. 76) were accordingly read by the clerk; after which,

Mr. Brougham proceeded:—"The resolutions, sir, which have just been read, were adopted by this house with a rare unanimity; the only doubt, at the time, being, whether they went sufficiently far in expressing the feelings of the legislature and of the country, and in pointing out the measures which were to carry the dictates of that feeling into operation. All parties agreed in one conclusion—that these resolutions were the least measure of justice which could be meted out to the slaves in our colonies; and Government at once proceeded to recommend the adoption of various regulations to effect the objects of those resolutions in particular colonies, to the local legislature; and, of its own authority, to carry such regulations immediately into effect in those other colonies which were subject to the legislative power of the crown. I shall first, sir, advert to the case of those colonies which are under the Crown, and to the steps taken by Government, in compliance with the resolutions of Parliament; and then, sir, I shall advert to the manner in which those resolutions have been complied with in the colonies which have legislatures of their own.—I must here take occasion to say, that my statement will be one of details. I wish to avoid all declamation—every thing which can be perverted into invective—all general observations; not that I deem such observations unworthy of being submitted to the house—or rather, I deem it incumbent on me freely to submit them at a proper time, but at present I have taken on myself the more difficult task of bringing only the details before the house, so as to make the house acquainted with the actual state of the slaves. I am aware, sir, that in doing this I have great difficulties to encounter; that I cannot accomplish it without fatiguing the house and myself; but I wish to state only facts; and, I trust, that the paramount importance of the subject, and the deep interest felt in it in every part of the kingdom, will serve as an apology to the house, and make it bear with all the fatiguing details (hear, hear). I shall proceed, first, then, to consider the measures adopted by the Crown in those colonies over which it has legislative authority, for effecting the purposes expressed in our resolutions. First, I shall advert to Trinidad; for which the Government issued an order in council for the better treatment of slaves. This order was the basis of all the proceedings adopted on this subject, both in Trinidad and in the other conquered colonies; and I object to this order in council, that it does not call on them to do enough. With this abatement, it merits all the praise I can bestow on it.



In one or two points, it falls short of the resolutions adopted by this house, and of what I expected from the Government. It falls short in one most important point, that relative to the admission of slave evidence; that evidence was limited, not only as regards persons, and as it applies to crimes, but the slaves themselves must have first obtained a certificate that they are religious and moral individuals, and sensible of the obligation of an oath. My objection to this is, that I see no reason why slaves should not be treated exactly like other witnesses—why it should not be left to the court and the jury to examine them, and satisfy themselves of the value of their evidence, and whether it was fit or not to be received. Pagans, Mahomedans, men of no religion at all, are considered as qualified witnesses; and no objection is made to them, though they do not believe in revealed religion, provided they believe in God, and in the existence of a future state of rewards and punishments. They are then admitted as witnesses in our courts, and I see no reason why the slaves should not be placed on the same footing. It is true that the Government has not restricted the giving of this certificate to the Ministers of the Established Church, but allows of the certificates of Catholic Priests, and of the Ministers of the Presbyterian or any other Church, to attest the religion or morality of the slave. My objection, therefore, is merely to the needless departure from our own safe practice. Let the witness be produced in court; and let his capability, upon preliminary examination, be openly and publicly determined. Another objection, sir, which occurs to me, is, as to the causes in which the slaves are allowed to give evidence. First, they are not admitted as evidence, with no good reason, as appears to me, in those civil causes in which the master is a party. Next, they are not received in cases where white men are tried for capital offences. I object strongly to this, for I see no reason why their evidence should not be admitted in capital as well as other crimes. My next objection to this Order in Council, does not apply to the slaves, but to that officer who is appointed their protector. By the order, this officer cannot hold plantations or slave property; but it is not sufficiently strict in this point. It says that the protector shall not hold plantations and slaves in Trinidad only, and he may own both plantations and slaves in other colonies; nay, sir, what is worse, he may own domestic slaves in Trinidad itself. It is in this latter case, which more immediately affects the feelings of the individuals, and is more likely to operate on those of the master—that the feeling ought to be mainly guarded against. But the restriction, even as to plantations and slaves, only applies to the protector in chief, and the subordinate protectors; those who will come more immediately into contact with the slaves, are not subject to this restriction, and they may hold plantations and slaves in Trinidad.—The next point to which I shall advert is, the abolition of the Sunday markets. It proposes that this shall take place, but at an indefinite period, that is, when some conditions not yet fulfilled shall be so, or when certain changes shall happen. The order only limits Sunday markets to the hour of ten o'clock on Sunday morning, and thus provides very imperfectly for the better observance of the Sabbath. When the market is in the vicinity of the

plantation, the rest of the Sabbath may be kept free from violation; but when the market is at a distance of ten or twenty miles, the whole day must be occupied in going to and returning from the market, and in attending it till ten o'clock. Then, sir, I find no provision made to compensate the slave who shall not work at his own garden on Sunday; so that there are no means taken either to provide for the better observance of the Sabbath, or compel its better observance.—I object also to that part of the order which relates to the separation of families in the case of sales. By the order, the separation, in case of voluntary sale, is allowed; but not in cases of a sale by order of a court of law. If I were disposed to make any difference, and permit the separation of families in any case, I should say it should not take place in voluntary sales, and should be judicial; but I think the prohibition should be applied to all sales.—My next objection to the order applies to the penalty imposed on slaves who shall make false accusations. This recommendation fell in with the views of the inhabitants of the colonies, and they have adopted it. If the slave charge his master with having punished him illegally, and the charge is proved, the master is fined 10*l.*, but if the slave's charge is declared to be groundless by the magistrate, he is delivered back to his master, who is authorised to inflict on him any number of stripes, not exceeding twenty-five. This part of the order is framed on a most erroneous principle. In the case of a groundless charge, the slave is handed over to the person whom he has accused, who is thus made the executioner of summary justice. I see no reason why the justice should be summary—why the slave should not be tried and regularly punished by law for his offence; and I see very strong reasons why the accused master—the individual most irritated and offended—should not, precisely at the time also when his feelings are most roused, be the executioner of this summary justice.—I may, indeed, say, the judge in his own case, for the master is to decide in what manner and how the stripes are to be inflicted, provided he does not give more than twenty-five.—With these defects in the Order in Council, I am bound, sir, to say, that if its general provisions be rigorously carried into execution, they are such as to satisfy my mind in many essential points, to rectify some of the worst abuses, and to abolish some of the worst practices in the colonies. On every other part of the order I must bestow great praise. This order has been sent also to Demerara; but the Court of Policy has thought proper, in its discretion, to adopt it only imperfectly. They will not allow the slaves the privilege of what is called, in this house, compulsory manumission; that is, when the slave has found means of purchasing his own freedom, the law appoints persons to fix the price at which he shall obtain it. This, as well as several other parts of the order, has been wholly unnoticed in Demerara. In the five other colonies under the Crown, nothing whatever has been done. I have understood, indeed, that orders have been sent out, and a correspondence has been entered into, but no one thing has been done. I do not make it a subject of accusation against Government. I say that no change has been effected, and that the Order in Council has not been enforced in any colony under the Crown, except Trinidad.—I



now come, sir, to the thirteen colonies which have legislatures of their own; and I say, that, except in five or six of those thirteen colonies, nothing whatever has been done to carry into effect the resolution of this house, and the desire which has been expressed on the subject by Government, and by the country at large. In six of them, there is not even the shadow of a pretence of any thing having been done. As to Antigua, Montserrat, St. Kitt's, Tortola, Nevis, and the other Virgin Islands, containing a population of 80,000 slaves, I cannot find in the whole correspondence, which has been laid on the table of this house, up to last night, for these three or four years past, one page, one line, one sentence, one word of any thing which has been done in those islands in compliance with the declared wishes of the Government, the Parliament, and the Country. I come now, sir, to speak of an island, in which, from its importance, its wealth, and its population, I should have expected these measures would be most readily embraced, and most easily carried—an island containing 340,000 inhabitants, a large body of them whites, and rendered conspicuous as being the example for other colonies. If I looked at the tabular return for the evidence of what has been done, I must say nothing has been done. Five of the columns are complete blanks, the return being *nil*; the five I mean are those referring to evidence, marriage, the separation of slaves from the land, the separation of members of the same family, and regulation of punishments. An act has been passed for the observance of the Sabbath, to prevent slaves from being levied for the debts of their owners on Saturday. This is a sort of Jewish Sabbath, and the law is not intended to promote the observance of the Christian Sabbath. Though not allowed to be levied on the Saturday, the slave is not prevented from violating the Sunday. It has been asserted, that, under the head of manumission, something has been done. It is true, that a person, having a life-interest in a slave, is enabled to manumit him, under certain regulations, for a price to be paid over to the credit of the individual possessing an interest in the property in remainder. Then comes a regulation with respect to legacies, or pecuniary bequests, to slaves. They can give an acquittance to the executors of those who have made a will in their favour; but they are interdicted from bringing any action at law, or suit in equity, for the recovery of the legacy itself. If the executors, therefore, refuse to pay these legacies, the slave cannot recover them. Perhaps, however, this was intended as a benefit to the slave, by keeping him out of a court of equity (a laugh). This is a ridiculous attempt, and the Governor bears me out in this opinion; for he says, (speaking of it in a letter addressed to Earl Bathurst), "A bill has been passed, of trifling importance, enabling the slaves to receive bequests, on paying the legacy duty." I understand that an act has been passed, which does not come under the head of religion—an act for building a church in Jamaica, which gives great satisfaction to the right reverend prelate at the head of the church in that island. He speaks of it in the strongest terms of praise, and expresses his satisfaction at the state of the island. [Here the learned gent. began to read some extracts from the correspondence of the *rt. rev. prelate*, at which the house, manifesting some impatience, he said—"A great part of what I have to say

consists of extracts, and if gentlemen do not choose to hear them, they had better go away" (hear, hear). The bishop says, in a letter addressed to Earl Bathurst,—"I have the highest satisfaction in being able to assure your lordship, that the same good feeling, which I had the pleasure to communicate to you on a former occasion, with regard to Kingston, continues to animate every part of the island I have hitherto visited. Mr. Archdeacon Pope and myself have just completed a progress through all the parishes, except two."—"The general result of our observations has been, a hearty desire, on the part of the proprietors generally, or their representatives, cheerfully to promote, as far as their limited means will allow, any measures which I have thought it my duty to suggest."—"What will the house think? For the benefit of the slaves? No. The *rt. rev. prelate* says, "for the benefit of the Church."—"Public meetings have been called in many parishes, and private subscriptions entered into, to promote the same desirable object." The bishop is satisfied with the state of the island, because he found the people ready to build the church (hear, hear); and he expresses his opinion, that nothing can be done for the slaves till churches are built—till they are filled with congregations—and till the words of religion shall have operated on their minds. He would not have schools till the slaves have been taught religion. In this I beg leave to differ from the *rt. rev. prelate*. He thinks the slaves should have nothing but "oral instruction;" what would he think of teaching them to read? He thinks the churches should be first built, and then the schools; but I think it would be better to begin with the schools; or we might have both schools and churches at once. From the manner in which the legislature of Jamaica has treated a measure, which has been twice propounded to that body, in favour of the slaves, I confess I see nothing to hope that they will accede to the desire of this country. First, a bill was introduced to the legislature, in 1824, by an individual, whose speech on that occasion proved that he possessed considerable talents, and a well-cultivated mind. That bill was for admitting slave-evidence, under restrictions, which went to render the admission of slave-evidence perfectly harmless. It was, however, rejected by the almost unanimous voice of the assembly, the mover of the bill alone being found to vote for it, and nothing could exceed the vehemence with which certain statements, that had been made in the House of Commons, were received on that occasion. That bill was afterwards submitted to a committee in 1825. They entered on their labours in the early part of November, and they framed their bill with all proper regard for local feelings; the bill was brought in in December, and thrown out by a majority of two to one, many of those who voted for it declaring, that they would have opposed it in a subsequent stage, but that they thought it ought to receive further consideration, and not be too hastily withdrawn. And what was the measure so rejected? It was a bill admitting the evidence of slaves, under the following circumstances:—"That upon the production before the justices and vestry of the parish in which any slave shall have last previously resided for three years, or, if in Kingston, before the common council, of a testimonial in writing, signed by the person who has had the possession and ma-



nagement of such a slave, as owner, attorney, &c. &c. for three years next before the giving of such testimonial as to the good character and disposition of such slave, and upon production also of a written declaration, signed by the rector, or in case of the absence of the rector, by the minister officiating for such rector of the parish in which such slave resides, that such slave has been baptized, &c.; and further, that such rector or minister has examined the slave, and found him or her to be sensible of the nature and obligation of an oath, it shall and may be lawful for the justices, &c. unless proof be made before them, contradicting the said testimonial and declaration, to grant such slaves a certificate signed by the clerk of the vestry, or court of common council of Kingston," empowering him to give evidence in certain cases. This certificate, be it observed, was not to be granted by the Roman Catholic priest, or the dissenting minister, or the Protestant clergyman; but—what was of much more importance, and which really made the measure nugatory and of no effect—it was to be signed by "the person who has the possession or management of such slave—by the owner, attorney, or overseer of the estate;" so that unless the party against whom the slave was to be examined—or, in other words, the owner or overseer of the estate—chose to make the slave a competent witness, by signing the certificate, there was no fear that his testimony would ever rise up against the individual of whose conduct he had cause to complain. Such was the measure which the legislature of Jamaica had contemplated, as a fit offspring of the order in council. But even this measure, thus attenuated and mutilated—nay, absolutely nullified, was rejected by the Assembly. The account which the Duke of Manchester gives of this transaction is very important, because it shows the tone and temper that prevailed at the time. He says, addressing Earl Bathurst, "I am very sorry to inform your lordship, that the session of Assembly has terminated in a very unsatisfactory manner, and without any measures having been adopted for the effectual improvement of the condition of the slaves. A bill was brought in for receiving the evidence of slaves in certain cases . . . and, although this bill was confined to the cases of murder, treason, and mayhem, and guarded by provisions which, in the opinion of the most intelligent portion of the community, and of those who possess the largest stake in the country, rendered it perfectly harmless, the clamour out of doors was so great, and the resolutions entered into at parochial meetings so strongly expressed the public feeling, that many members whose sentiments were favourable to the measure, yielded to the opinion of their constituents, and voted against the bill (hear, hear). The principle of the bill was however recognized, and it was on the question of committing it that the bill was ordered to be committed that day three months." In introducing what I am now about to state, and which respects other legislatures in the West Indies as well as that of Jamaica, I must be allowed to say that I feel very sincerely for some of the persons composing those bodies. I do not always, and sometimes I do not at all, cast blame on them. I believe that very frequently they had it not in their power to follow the bent of their own inclination. Some of them, I am convinced, were not the authors and abettors of these acts. They live

in a community in which they are bereft of the power of doing that which their own intellectual light would guide them to do, and which their own principles would induce them cheerfully to carry into effect. The state of that community will be best illustrated by what I am about to state. I beg leave to call the attention of the house to a resolution adopted at a meeting held in Jamaica, subsequent to the rejection of the bill. That resolution went the length of alleging, that even new restrictions ought to be imposed on the slaves—that sectarianism should be abolished—and that it would be dangerous to make any farther concession in favour of the slaves, unless a penitentiary feeling was evinced on their part. Some new restrictions to be imposed! Penitentiary! The slaves were to repent of the injuries they had suffered from their masters, and of the efforts of relaxation which had been made in their favour; and, without evidence of such repentance, it would be dangerous to allow any farther concessions in their favour! This is the language of the Colonists, and thus they appear to regard any relaxation in favour of the slave population. But, sir, this point of sectarianism has suggested to me some remarks respecting the resolutions and proceedings in many parishes of Jamaica, in favour of the instruction of the Negroes in Christian knowledge and morality, and of which the Bishop and his clergy naturally expressed their high approbation. Why, no doubt, sir, when the Bishop made his progress through the island, he would receive the most flattering addresses from parishes and individuals, as to the zeal which animated them, and the exertions which they had made, and were still ready to make, to place the established church on the best possible footing, and to place all the institutions for the education of the Negroes under the superintendence of the clergy of that church. I attribute no blame to the Bishop for approving highly of measures for the advancement of his own church; nor to those members of the establishment who appear anxious to promote such measures; but I know perfectly well what it means, and the meaning is this—by how much they extend and build up the church establishment in goods and endowments, by so much will they reduce the influence of the sectarians; and in so far would they get rid of the Methodists and fanatical teachers, as they call them; and among the planters, with a few exceptions, there is the strongest disposition to refuse favour or protection to any thing like sectarianism. Now it is not my opinion only, but the opinion of many respectable persons, who do not go the full length which I do in favour of the negroes, that if you really wish to diffuse Christianity among the Negroes, the best way to do it is by encouraging sectarian teachers; and the greatest benefits which the Negroes have received in this way have been from the Methodist teachers. This has been admitted even by my hon. friend (Mr. Baring).—Having said so much with regard to Jamaica, I now come to consider what has been done in Barbadoes, which contains a population of 80,000 slaves; with respect to which I see that a tabular return has been made, and that as to improvements in certain places, or particulars, there are nine columns of *nil*. At that I was by no means surprised; but I was surprised when, some time after, an attempt was made to shew that something had been done, in consequence of the exertions of some



of the slave proprietors in this country. An act was passed in Barbadoes, in 1825, entitled "An act to repeal several acts and clauses of acts, respecting Slaves, and for consolidating and for bringing into one act the several laws relating thereto, and for the better ordering and governing of Slaves, and for giving them further protection and security, and for altering the mode of trial of those charged with capital and other offences; and for other purposes." In the manumission clause of this act, it is enacted, "that if any slave shall discover, or give information, of any evil designs or plots of any other slave or slaves, &c., or the possession or concealment, by any slave or slaves, of gunpowder, or any warlike instrument, for the purposes of insurrection and rebellion, whereby the accused thereof shall be legally convicted, such slave shall be appraised at his due value, and the amount paid to the owner; and the slave shall be free, with a pension of 10*l.* currency; or if he chooses to remain a slave to the owner, a pension of 25*l.* currency." Now in 1688, by one of the acts repealed by this last act, the very same provisions had been made, with this only difference, that the slave was set free with a premium of 40*s.* There was another clause in the act of 1825, by which it is enacted, "that every slave who in the time of invasion, or in case of rebellion, shall engage and courageously behave in battle, or who by any means shall kill or destroy one or more of the enemy or rebels, shall be rewarded at the public expense, in such manner as the legislature may think fit; and if the legislature should think that he ought to be rewarded with freedom, that such slave shall be declared free, and his value paid to the owner." Now an act had been passed in 1707, whereby it was provided that in case any slave should behave courageously in battle, in case of invasion, or kill any of the invaders, he should be free *ipso facto*, without having recourse to the legislature. The house would, therefore, observe what had been done, and consider whether the slave has gained anything by the alterations. I will not go any further into particulars; but I pledge myself to shew, that whatever advantages the slave has acquired under this law, were only substituted for equal or greater advantages under the acts of 1688, 1707, and other old acts. Now, by this act, "any slaves guilty of quarrelling, threatening, or fighting with each other, or guilty of any insolent language or gestures to or of any White, or of swearing, or of uttering any obscene speeches, or of drunkenness, or of making, selling, throwing, or firing squibs, serpents, or other fireworks, or of cockfighting or gaming, or of riding upon a faster gait than a walk, or of driving upon a faster gait than a gentle trot, on any road of this island, or through any of the streets or lanes of any town of this island, or of cruelly whipping, beating, or ill-using of any horse, mare or gelding, mule, ass, or other cattle, whilst under his charge, in the driving of any waggon, cart, carriage, or other chaise, or of negligently or of improperly driving any such waggon, cart, carriage, or other chaise, or of any disorderly conduct or behaviour, every such slave, on conviction thereof before any Justice, shall be whipped at the discretion of such Justice, according to the nature of the offence, not exceeding thirty-nine stripes; the punishment of pregnant women to be commuted for imprisonment." By an act of the 9th Aug.

1749, some provisions of this description had been made about quarrelling and driving waggons; but this act, in taking up the subject, adds a heap of trifling and ridiculous particulars which were not to be found in the former act. Their wisdoms of 1825 alter the particulars of the riding at a walking pace, and driving at a gentle trot. What is the meaning of "any" disorderly conduct, or misbehaviour? Then again, the punishment by the old act could not be awarded except by two Justices. By this modern act, it may be applied at the discretion of only one Justice to the amount of thirty-nine lashes. By the old act, the slave was punished if he behaved insolently to five or more White persons. By this act, he is punished for insolent language or gestures to or of any White person. What can be the meaning of this? It may be difficult enough to decide what may be insolent language and gestures to a White person, but who could ever say what was insolent language and gestures of a white person, gestures behind his back, to be punished with thirty-nine lashes at the discretion of a Justice! This certainly is a most extraordinary improvement of the great modern wisdom of the modern West India planters! Then there is another serious alteration. The slave is to be punished, not only for negligently or improperly driving; but also for "any other disorderly conduct or misbehaviour." Who is to decide what is any disorderly conduct or misbehaviour? Why the single Justice is to decide it, and it may be any thing in the world which he may choose so to denominate. Now let the house mark the difference in the old act of 1749. That, too, has the expressions of "any other misbehaviour"; but observe what follows:—"whereby the public may be disturbed, or any person aggrieved" (hear, hear). I don't by any means like that phrase; I think that likewise too vague and uncertain. But it at least afforded some criterion for judging what was disorderly conduct or misbehaviour; whereas, by this wise and humane modern act, we are left completely in the dark, and left to make any thing we, or any other persons, please, of this same disorderly conduct and misbehaviour. There is a clause in the act also relative to the murdering of a slave, which well deserves attention. It is enacted, that if any person kill a slave by accident, he shall pay the value to the owner; "but if any slave shall hereafter be killed while committing or attempting to commit any robbery or theft, or in the act of breaking at night into any house, out-house, or negro-house, or in the act of setting fire, either at night or in the day-time, to any house, out-house, or negro-house, canes, stacks of cane-trash, cane-tops, corn-stalks, pea-trees, or cotton-wood, or stalks of dry fuel, or piles of timber, or while maliciously setting fire to any property of any value, or in the attempt to maim or injure any white person, the person or persons killing any such slave, shall not be punished for the same either criminally or otherwise." So that under this clause, if a white man can set up any appearance of any of the acts enumerated being committed by a slave, he may kill him, under the pretence of any such acts, without the slightest danger of being criminally or otherwise prosecuted! Then, if any white person maimed, mutilated, or dismembered a slave, he was to be punished for every such offence, by fine or imprisonment, or at discretion; so that this is all that has been done for



the slaves, under such circumstances, by an act passed not much above half a year ago. Now, let it be observed, that there is no minimum of fine or imprisonment; so that the fine may be one shilling, and the imprisonment one day. Whereas, when a white man killed a slave upon any pretence of robbery, or attempt at robbery; or the commission, or attempt at committing, or supposed attempt at committing a variety of offences, he is not to be prosecuted criminally or otherwise. Then there is a clause enacting, "that if any person shall hereafter commit any wanton act or acts towards any slave, or if the same be committed by his direction or order, or with his or her order, privy or consent, or shall wantonly and maliciously and cruelly whip, beat, or bruise any slave or slaves; or shall suffer, permit, cause, or procure the same to be done, whether such slave or slaves may or may not belong to him, such person shall be summoned before any two or more justices of the peace to answer for the offence; and such justices are hereby ordered and empowered, on conviction thereof, to impose a penalty on the person so offending, not exceeding 25*l.*, according to the nature of the offence; and then the justices are authorised and required to summon the parties before them, and examine into the case; and if the accusation should appear to be well founded, they are to proceed to fine the accused in this 25*l.*" So that the slaves may be bruised, or in any way cruelly used; they may be maimed, wounded, their bodies may be cut in pieces; they may be so bruised as to make them miserable for life; and yet, unless any thing is done that may extend to the life of the sufferer, the guilty person escapes with only these wretched penalties. There is still another clause of this act, to which I solicit attention—in which it is enacted, "that if any slave shall hear any other slaves speaking any words *tending to mutiny, insurrection, or rebellion*, or know of his, her, or their having in possession, or concealed, any gunpowder, warlike or mischievous weapon, for the purposes of insurrection or rebellion, and shall not immediately disclose or discover the same to his or her owner, proprietor, or possessor, or to some justice or representative, every such slave shall, upon conviction thereof, suffer death without benefit of clergy, transportation, or any other punishment, as the court before whom such offender may be tried, shall think fit to inflict." I beseech the house to consider these words—"any slave hearing another speaking words tending to mutiny." Why, what can a slave know of the meaning of *tending to mutiny*? It must be extremely difficult for any one to say what may be the words which might be considered as *tending to mutiny*. But what judgment can a slave be expected to form on such a question? Why, the deciding as to what has or has not a tendency to mutiny and insurrection, is a subject full of doubt and difficulty even to some of the ablest lawyers of the present day, and there exists no little difference of opinion respecting it; and yet the poor illiterate and half-civilized slave is expected, under a penalty of death, to come to a just conclusion on this most difficult case (hear, hear). There are a great number of other clauses in this act in the same spirit as those I have read to the house. Yet did the colonists think that this act, by a happy union of every thing which could protect the slave and secure the master,

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would be rendered dear to posterity. Now if I were to say that I was disappointed at this piece of legislation on the part of the Barbadoes Assembly,—it I were to say that I would rather it had not passed, and that it had in due things rather worse than better, it would make but little impression. But what says the Governor of the island? That officer, in his despatch to Lord Bathurst in November, said—"It would have afforded me real satisfaction had I been enabled to draw your lordship's attention to any part of the address of the House of Assembly calculated to encourage your lordship to expect, that that body would proceed without delay to adopt, as far as possible, those measures which have been suggested by his Majesty's Government." This was the opinion of Governor Skeete, many months after the act had passed. The opinion of the council in the address (enclosed in the despatch) to the Governor, contained the following:—"After deploring the unfortunate delay which had taken place in passing an efficient slave amelioration bill, it added, "for although, after the most deliberate and impartial consideration of the measures recommended by his Majesty's Government for ameliorating the condition of the slave, we feel convinced that some of those regulations are not calculated to promote the happiness or moral advancement of the slave any more than the interest of the master." The address of the House of Assembly, delivered on the same occasion, spoke of the tone of "censure and menace" which pervaded "a portion of the despatch of the noble Secretary for the Colonies" (Lord Bathurst), "and," it was added, "which forms so prominent and so important a part of your honour's speech,—censure and menace aimed, as it appears, at the House of Assembly; as if the House of Assembly could pass any act, or had passed the act to which his lordship alludes, without the concurrence and assent of the other branches of the legislature." Then, after alluding to the "unreasonable concessions" which were expected from them in favour of the slaves, they added, "If, however, such expectations are, unfortunately for us, entertained by those under whose control we are placed—if nothing less than an implicit conformity with orders in council, the ruinous effects of which are published almost daily in *The Gazette* of a neighbouring colony—if, in short, a plan has been already organized for our destruction—if it is determined that we shall be the victims of fanaticism, prejudice, and injustice, we must submit; but neither threats nor persuasion will ever induce us to put the finishing hand to our own political, perhaps natural existence; and we have too much reliance on the justice of our beloved Sovereign to believe that he ever will." What was this but saying, in other words, that beyond what they had passed in the act from which I have quoted, no further concessions should ever be extorted from them by threat or menace?—I now come to the Bahamas, and there I find that nothing has been done that can be called an approach to an amelioration in the condition of the slaves. The first proceeding to which I will call the attention of the house is that for promoting the religious instruction of the slaves. The first clause is . . . I know it is tiresome to the house to have its attention called thus at length to the proceedings of the colonial legislatures clause by clause,—and I can assure the house, I do

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not to do so either from pleasure or amusement, for the subject is one of the dryest that can well be imagined—but I feel it necessary to examine in detail what has been done by the colonies, in order to come to a proper conclusion as to what it is probable they may do still further towards carrying the resolutions of the house into effect. They have now had nearly four years' trial, and in that time, as some hon. gents. contend, much has been done; while others maintain that nothing whatever has been accomplished in the spirit of the resolutions of 1823. On this point we are at issue. The only way left, then, is to examine in detail, what they have or are said to have done, and to judge from that, of their disposition to go on further. To return to the act of the Bahamas' legislature. This act was passed on the 28th of Jan. 1824, and the clause respecting the religious instruction of the slaves, to which I wish to call attention, is to this effect—"And be it further enacted, that all masters or owners, or, in their absence their overseers, shall, as much as in them lies, endeavour to instruct their slaves in the Christian religion, and shall do their endeavour to fit them for baptism, and, as soon as conveniently may be, shall cause to be baptised all such slaves as they can make sensible of a Deity, and of the Christian faith." This clause is, no doubt, one of the many recent steps which have been taken by the colonists since 1823; but the fact is, this is verbatim a copy of a clause inserted in an act passed in the same colony in 1796. That act set out with a preamble, stating the necessity of consolidating the slave laws, and of taking measures for improving the moral and religious condition of the slaves: but what says the preamble of the act of 1824? Does it not say, "whereas it is necessary to follow up the resolutions of the British parliament of May 1823, for improving the moral and religious condition of slaves?" No such thing. It sets out by saying, "Whereas, it is expedient that the laws which, from time to time, have been enacted for the government of slaves should be amended, consolidated, and brought into one act, and other provisions made for their protection, and the promoting of their moral and religious instruction, and by means thereof, their general comfort and happiness, so far as is consistent with due order and subordination, and the well-being of this colony." Now I will ask, is this treating the House of Commons fairly? We came to a resolution in 1823 that it was necessary that immediate steps should be taken for improving the condition of the slaves. It is now contended that steps have been taken by some of the colonists in furtherance of that resolution, and as an instance, this clause is cited, which on examination turns out to be nothing more than a *verbatim* copy of a clause contained in the act of 1796, and without even the preamble which headed that act. This is actually doing nothing, or at all events it is not sufficient to support the argument of those who contend that something new has been done by this colony. I will now call attention to the 5th clause of this act. "And be it further enacted, that all and every act and acts, clause and clauses thereof, whereby any tax or duty whatever is or hath been imposed on the manumission of any slave or slaves within these islands, shall be, and the same hereby are, (so far as relates to the imposition of any such tax or duty), suspended for and during the conti-

nuance of this act." Now, to show how far this ought to be taken as doing something towards ameliorating the condition of the slave, I will inform the house, that by a return from this colony in 1822, signed J. Nesbit, Secretary to the Bahamas, just two years before the passing of the act of 1824, there was under the head of "Taxes on the manumission of slaves," this statement—"No tax of any kind is charged in this colony on the manumission of a slave:" so that these gentlemen take credit to themselves for a clause to repeal a tax which, in fact, had no existence in 1822 (hear, hear). And this is the act to which I am referred as demonstrating the good which has been effected (hear, hear). The regulation respecting the quantum of punishment is a repetition, in so many words, of the act passed in 1796, containing simply a substitution of private for public chastisement in the case of females. In the papers which were last presented to the house, there were various passages referring to the heads of the various resolutions contained in the orders in council, containing, amongst other things, the prohibition of putting round the necks of slaves an instrument of torture, and various other provisions of that nature. By referring to the various sections, gentlemen will see that every one of them is to be found in acts of an ancient date.—Now as to Sunday markets: In Jamaica the market is confined to ten o'clock in the morning—in other islands the practice has been differently modified—but Tobago is the only island in which the Sunday market has been abolished. And here, be it remembered, that even in Tobago no provision had been made for giving the slaves another day, as a substitute for Sunday, to work in the provision grounds. Now this is very material; for you do the slave a positive injury, unless you give him a day in lieu of the Sunday, to abstain from working. He had formerly 18 additional days, and the only substitute you propose is, the addition of 10 days. But formerly he had 52 days besides the 18, and by your regulation of discouraging work on Sunday, he will be a loser of 42 days; and when this is the case, it is ridiculous for you to think he will listen to your admonitions, or hearken to any attempt to discourage him from working on Sunday (hear, hear).—Now with respect to the admission of slave evidence, in case no free persons can be produced in the cases of murder or mayhem, slave testimony is to be admitted, that is to say, the evidence of two slaves will be admitted, if of good repute. Now, in order to put the house in possession of the temper displayed by the colonial legislatures, I beg to call attention to the language used by that of the island of Tobago:—"We have yielded, rather from a desire to comply with the instructions which have been sent out, than from a conviction that those instructions will lead to any improvement in the condition of the slaves. But, we most respectfully, and at the same time, firmly declare, that when these points are carried, concession will then have reached its uttermost." Here, then, we see how far they are disposed to go. They have stated their *ultimatum*. No consideration, say they, would induce them to go further, or fritter away, or tamper with the rights of property, which they considered to rest on as solid a foundation as property in England. So that, here, we find the very utmost point to which they will go is, to reject



any material provision contained in the orders in council, and to adopt only that which is wholly nugatory, with the single exception of the provision I have mentioned for the admissibility of slave evidence.—Now it has been said that Grenada, Dominica, and St. Vincent, are the islands in which most good has been effected; but I contend that nothing has been done in those islands. St. Vincent is said to have been foremost in carrying into effect the orders in council. In the address of the Speaker of the House of Assembly, in Oct. 1845, to the Governor, the Speaker said,—“I am now happy to inform your Excellency, that a bill has been read a second time, and yesterday passed its commitment, with an order for a third reading in December, in which the house hopes it has embodied the substance of all or nearly all that is important in the Trinidad order.” After enumerating several of the enactments in the bill, the Speaker added, “And finally, slave evidence is made admissible in all criminal matters on the basis of the Trinidad order in council, thus evincing on the part of the house of assembly a similar desire to go to the utmost limits, nay, almost beyond the limits of what it deems safe and practicable, to meet the wishes of those persons in England who have the true interests of the colonies in view.” Now I contend, there is nothing in those new provisions at all to correspond with the Trinidad orders. There are six essential distinctions between the admission of slave evidence enjoined by the Trinidad order and that allowed by the St. Vincent’s act. The first is, that by this act slaves are admitted to give evidence only in case of murder, or mayhem, or maiming—or felonies, punishable with death or transportation; the second, that the slaves are not allowed to be examined until they produce a certificate from a clergyman, stating their knowledge of a Deity, and their acquaintance with the Christian doctrine; the third is, that a certificate is also necessary from the proprietor, or in his absence, the master or overseer (a regulation which goes to destroy the advantage of the whole clause, for it gives the proprietor or master a power of defeating the ends of justice by withholding his certificate); the fourth point of difference is, that the slave is to be first examined by the court as to his proficiency in the knowledge of the Christian doctrine; the fifth, that two slaves shall be examined apart, and to make the testimony of either admissible, it is necessary that they should be both altogether consistent in their account; the sixth, and last, and most important difference of all, and one which renders the whole clause entirely futile, and inflicts a total denial of justice in those cases where the slave is most likely to be injured, and in which he, of course, stands most in need of protection, is, that in no case is the evidence of a slave to be received, where his or her owner, master, employer, or overseer, is affected. Now will any man tell me after these differences, that the Trinidad order is in substance contained in the St. Vincent’s act? Is this a proof that in that act the legislative council has gone to the very verge of, and beyond the order, to the end that they may conciliate the people of this country? It is stated in one of the papers on the table, that no driver, being a slave, shall use, as an emblem or badge of authority, a common cart whip, but no mention is made that such instrument of punishment shall

not be used by a free negro, or a white man, who may be employed as a driver. This applies particularly to Grenada; but in the Dominica act is a clause to this effect:—“That for the maintenance of discipline on plantations and elsewhere, a cat such as used in the British army, and no other instrument, shall be employed for such punishments as may be lawfully inflicted, and that the whip commonly called the cart-whip, shall never hereafter be employed either as an instrument of punishment or an emblem of authority.” Yet not a word is here said about the use of this instrument by the drivers of slaves as a stimulus to labour. I now come to what this same act says, about the admission of slave evidence. The clause states, That in all cases, not being capital nor of charges against their owners, it shall hereafter be lawful for all courts and magistrates to admit the evidence of slaves having been duly baptized, and appearing to the said courts or magistrates, after having been minutely interrogated on the subject, thoroughly to comprehend the true nature and meaning of an oath; provided always, that in every instance two such slaves at least being duly examined apart, and out of the hearing of each other, shall distinctly depose to the very same facts, without in the least degree contradicting each other’s evidence. And provided also that no one shall be convicted of any offence on the evidence of slaves, unless such offence shall be prosecuted and brought to trial within months after the commission thereof.” The house will see, that this clause is rendered futile, by the omission of that which would afford the slave protection against those against whom he most requires it—namely, his owners and masters. There are in fact, no instances in which the spirit of the order in council, has been embodied in the acts of the colonial legislatures. All that they have done is only deceptions in itself, and done, too, with the view of deceiving Parliament and the people of this country. If any hon. member should tell me that they have bettered the condition of the slaves in any degree—that they have mitigated the severity of the former laws—I say, he is mistaken; and I will undertake to prove his error, by a reference to former statutes, from which I will shew him, that whatever has been done has not been to introduce any new improvement consistent with the spirit of the times, but merely to return to the practice which existed above 100 years ago. Under these circumstances, sir, I cannot but say that it is astonishing to me that any men calling themselves legislators, could imagine the parliament of England would be satisfied with what it had done—and still more astonishing will it be if that parliament should allow itself to be treated in such a manner. Sir, I shall not pursue any further the details of this subject: but, if I do not, I trust my abstaining will not be imputed to my fear, that I cannot substantiate all the charges against the West India legislatures. I have no such fear, and I beg leave to add, that if any hon. member shall think fit to dispute my statements, he will entail upon me the disagreeable necessity of going fully into the other part of the subject. I should be sorry to do this, although I will venture to declare, that I could, by reference to documents, satisfy the house in an instant, that whatever has been done is wholly insufficient, and has not been done in compliance with the intention and spirit of the resolutions of this

house. It is my firm opinion, that the mere repeating to the colonial legislatures, what we have already told them in language sufficiently intelligible, or the mere sending back to them those resolutions we have before adopted, unless we accompany them with something more definite and peremptory, will not only be doing no good, but will actually be making bad worse. I would say, let these assemblies, which, since the year 1824, have done nothing, or worse than nothing—let these assemblies that have passed the semblances of acts for admitting negro evidence, when, in fact, they have not only not admitted, but have, in reality, excluded it, at least from those cases where its admission would be principally beneficial—let these assemblies know that they can no longer pursue such a course; but that unless they wish to press this house to an extremity, they must resolve to do something that will substantially benefit the condition of the slave. I have deemed it my duty to give this house the opportunity, by their vote of this night, of letting it be known, not to the Government, which does not want to be urged forward, but which requires its hands to be strengthened, but also to the whole country, which takes a deep interest in this question; and above all, to the colonial legislatures themselves, who have hitherto disregarded the wishes of parliament, who still disregard them, and who will—till we rouse ourselves into activity—continue to disregard them, that the time is at length arrived, when, if they do not do their duty, parliament will perform its own. Sir, I have the greater confidence, in proposing to you the present resolution, since I think, that by adopting it, you will be undertaking nothing new; but will merely be adopting the observation made by Lord Bathurst, to the colonial legislatures, when he said to them, “If you allow another year to pass away, another session to expire, and content yourselves with merely making another promise—I cannot answer what may be the effect produced on the meeting of parliament next year.” Sir, that is what the noble lord has in effect said to these colonists; and now that all the assemblies have met—that in all of them our resolution has been considered, and this threat (so to call it, or this warning, if that word be more agreeable) has been laid before them, and still nothing has been done—for what has been done, is, in truth, nothing, or worse than nothing—I say sir, after all these events have taken place, shall we go on again in the same course we have before pursued?—And after what Lord Bathurst has said, shall we allow that next meeting of Parliament, of which he has spoken, to pass away, without doing any thing to shew that our determination is fixed upon the subject? If we do, what will be the effect of our negligence? The colonists will say, “we have done nothing; and yet Lord Bathurst has not come to parliament to ask for their authority to compel obedience to his official orders; and, in truth, what he said to us was only a vague threat, full of sound, but signifying nothing, except that he has told us what any other man could have done, that he did not know what parliament would do when they met.” Sir, I ask whether we should allow the colonist to say this; and whether, if we do, we shall not be holding out a premium, an additional inducement, for them to consider that we are deterred from doing our duty, by that which, I will venture to say, is nothing more than a vain and chimerical illusion, which those

even of the weakest nerves ought not, and are not to be scared by, namely, the fear of the ultimate resolutions that may be adopted by the colonists, if parliament should take any compulsory measures upon the subject. I entertain a most sanguine hope that a considerable majority, or, if possible, the unanimous vote of the members of this house, will support their own consistency, and pass this resolution. If they do, and if this resolution then goes out to the West Indies, perhaps a different course may be pursued; or if not, I shall say that parliament will have next session, on every account, and especially of their own forbearance, their extreme forbearance, to do that which, unless it is done by parliament, I fear will never be done. I shall, therefore, move a resolution to this effect—“That this house has observed, with deep regret, that nothing effectual has been done by the legislatures of his Majesty’s colonies in the West Indies, in compliance with the declared wishes of his Majesty’s Government, and the resolutions of this house, of the 15th May 1823, touching the condition of the slaves; and that this house will, early in the next session of parliament, take into its most serious consideration such measures as may appear to be necessary for giving effect to the said resolutions.” I have moved the resolution, pledging the house to proceed on this matter next session; first, because it is too late to undertake any definite measure now; and secondly, because, although I have any thing but a sanguine hope that the colonists will do any thing effectual before parliament meets again, I am yet willing to try the experiment once more, and after that time I think it will become an absolute and indispensable duty of parliament, should that experiment again fail, to adopt some measures for enforcing their own resolutions” (hear, hear).

Lord Nugent having seconded the resolution,

Mr. W. Horton rose, not for the purpose of contradicting the facts which the learned gent. had thought fit to detail, but in order to set the question in a different point of view from that in which the learned gent. had exhibited it. If the house were not already pledged to the subject to which the resolution just proposed referred, there would be some reason for the motion: but when it was known that the colonial assemblies had been called upon either to adopt or reject the regulations contained in the Trinidad order, with the assurance that, if they pursued the latter course, their conduct would be brought under the consideration of parliament, he thought it was quite unnecessary to call upon the house for any pledge as to the future. The resolution submitted was equivalent to declaring that the measures which Government had adopted were frivolous and useless. That was not the case. In some instances, the colonial legislatures had adopted the regulations of the order in council, and in some they had refused to do so. He would, however, appeal to the justice of the house and of the country, as to the motives which impeded the adoption of the provisions which Government had recommended. He would ask any man who had read with attention the documents on the table of the house, whether they did not prove that the principal source of resistance on the part of the colonists was the dread they felt that the measures adopted by the house would tend to destroy their property. When it was attempted to be maintained that the re-



sistance of the colonists rose out of an abstract love of slavery, he thought it was right to direct the attention of the house to the circumstances on which that resistance was mainly founded—namely, a conviction that the measures recommended by Government were calculated to produce a deterioration of property which would be attended with total ruin to the planters (hear, hear). In proportion as the colonists became satisfied, from experience, that the measures which had been proposed by Government were not of that dangerous nature which they at present imagined them to be, he was convinced that there would be a relaxation of those objections which formed the principal source of the—he would not say declamation, but—argument of the learned gent. He considered it wiser to pursue such a course of legislation as would create an improved feeling amongst the colonists rather than one of suspicion and distrust, which would imply that the owner of slaves was necessarily disposed to reject any advantages or accession of immunities which it might be thought expedient to give to the slaves.—He then went into a detail of the changes which had been effected in the amelioration of the condition of the slaves, and declared that the free use of the Sunday had been so long withheld from them, solely from the opinion that, until they had been instructed, it would be inexpedient to give them one whole day to themselves. The learned gent. had complained that the negroes were not afforded the proper means for urging complaints against their masters. Now, upon that point it did seem to him that it was a mistake to offer to the negroes a *bonus* for complaining, where their complaints might be light or frivolous. With respect to the alteration of the law in Demerara, he begged to observe, that that colony had formerly belonged to the Dutch, and that all which was done there should be, in some measure, accommodated to the forms of that foreign law which had been so long in use in that colony; and beyond this, that whatever alterations were effected, should, if possible, be effected by the colonists themselves, who ought to be allowed ample opportunity for so doing. The alteration which had taken place in Jamaica, as to the Saturday and Sunday markets, had met with the approbation of the Duke of Manchester, who, as he was quoted on other occasions as an authority, by the learned gent., must, of course, be considered of equal authority in the present case. The principle of manumission, too, had been carried into effect, by compelling the heir, when the last tenant had manumitted any slaves, to receive an equivalent in money for the loss which his estate might have sustained in consequence of those manumissions. The learned gent. had spoken of the unfavourable manner in which Sectarian Education had been viewed by the slave proprietors; and had declared that they supported the church establishment, not so much out of veneration for religion and religious education, as from a dislike to the Sectarians. Now, he (Mr. W. Horton) must say, that when the people of Jamaica saw the nature of the tuition dealt out to the slaves by Sectarians, it was not to be wondered at that they should prefer the tuition afforded by the ministers of the church of England. He was of opinion that the conduct of the Bishop of Jamaica was deserving of praise; and that the assembly of that colony equally merited credit, for the support which they had

afforded to the church establishments lately formed there. He then went in detail through the legislation of the different islands, for the purpose of shewing that many measures had latterly been passed for the protection and benefit of the slave. He did not deny the accuracy of the learned gent.'s statements; but he contended that there had been material improvements on the preceding legislation of the colonial assemblies, and these improvements were such as to justify the expectation that they would continue progressively approaching the model which parliament desired to see attained.

Dr. Lushington said, that three years had now elapsed since the resolutions of that house had been passed, and the order in council issued, yet not a single colony had, up to the present day, taken one step towards adopting the principles recommended to them by parliament and the Crown. The house was, however, told to wait till another session, in the expectation that these colonial legislatures, which had hitherto done nothing, might at last manifest signs of repentance, and, in good earnest, begin to carry the wishes of Government and the country into execution. How could they, however, expect that any mere declarations of their opinions would have any effect, when they found that persons of the highest character and greatest power in this country actually, by their conduct and expressions, gave a countenance to the resistance which the colonists on all occasions offered to the measures of the abolitionists? If he was, indeed, to judge from what was said in another place, he might assert that even some of his Majesty's ministers held sentiments different from those which others of the same ministry maintained in that house; and that the utterance of those sentiments confirmed the colonists in the opposition which had been the subject of complaint, and protracted the time when a final amelioration of the condition of the slaves could be effected. Not two months ago, these opinions had been made public; and lest they might suppose that there was any thing in the language or the circumstances which could possibly create a misconception, he would read the one and the other; and when they saw how different the language and the feeling of the *rt. hon. Sec. (Canning)* seemed to be from the learned Lord (Chancellor) at the head of the other house, they might, perhaps, acknowledge the propriety of those efforts of his learned friend which were now called unnecessary, and feel less disposition to blame those who wished to press upon the house, through the means of petitions, the necessity of immediate and urgent declarations. The right hon. gent. said, "that the principles of the Christian religion were directly opposed to slavery." This was language at once consonant to truth, and to the spirit of the professions which ministers had so often made in that house; but what said the learned lord in the other house? "A good deal had been said in the discussions on this subject about its connexion with the genius of Christianity and the genius of the British constitution. As to the genius of the constitution, whatever was his own opinion respecting the propriety and necessity of abolishing slavery, he was bound to declare that this system had been patronized, encouraged, and almost instituted under the British constitution, and under the auspices, too, of so great a constitutional authority as Lord Somers. How, then, could he say that it

was against the genius of that constitution? When to this knowledge they must add the further information, that colonial slavery had been many times during the last century the express subject of legislative enactment, under the direct sanction and concurrence not only of the ablest laymen who had figured in the history of the country, but also of a bench of bishops as learned, pious, and respectable as that which their lordships now saw before them, he could not easily bring himself to believe that it was so clearly contrary to the genius of Christianity as some persons so readily asserted.\* He (Dr. L.) was sure that at this time no man, who spoke his honest opinion, could doubt that slavery, in all its shapes, was wholly repugnant to the principles of the British constitution; but he would ask any man acquainted with the writings of Lord Somers, to point out any instance of his defending it? If, however, such an instance could be produced, it would form no argument for the perpetuation of a system which every feeling of justice and humanity condemned; and would it not have been better to bury in oblivion a fault which was not Lord Somers's, but that of his times, and which could only cast a stain upon his just reputation, while it left the question, in support of which it was adduced, wholly untouched? There was, however, in the speech of the learned lord, much more which deserved reprobation—an assertion that slavery was encouraged by the bench of bishops. For the honour of that bench, he could say, that he believed they had always been among the most strenuous advocates of its abolition, and he did not recollect any one of all the numerous petitions presented to that house on the subject, which did not, among those who signed it, present the name of the rector or clergyman of the parish. The assertions, therefore, contained in that speech were not correct, and were, when placed in opposition to those of other members of the Government, calculated to do infinite mischief: for unless they admitted the principle contended for to its fullest extent, and with a feeling of perfect unanimity, it would be vain to hope that any good could be effected from their recommendations. They required nothing from the colonists but what they were willing to give them compensation for. They imputed no blame or crime to them which they did not acknowledge they themselves might have committed under similar circumstances; they only wished to do one of those acts of justice which no nation or party ever neglected for the sake of lucre, without falling, sooner or later, into destruction. All they desired was, a prompt obedience to their wishes upon the promise of the fullest compensation; but unless that obedience was prompt, they could not expect that their claims would be listened to when force compelled them to do that which all entreaties or promises had failed to effect. That obedience, instead of placing their properties in jeopardy, would, he was convinced, contribute at once to the security of the colonies and their inhabitants; for it was not in human nature to suppose that continued wrong would not at last provoke resentment, and kindness and protection secure affection. It was not, he acknowledged, possible to effect any great change in the condition of the present population, but they were not on that account to entail miseries upon their innocent offspring; and he was con-

vinced, that in whatever measures they might adopt to secure the prosperity and happiness of the present and future race of negroes, the people of England would give them their unanimous concurrence, and support with pleasure any burthens which might be imposed upon them. Mr. Coleridge's "Six Months in the West Indies," which was by no means calculated to give an exaggerated picture of the sufferings of the negroes, contained a description of the painful emotions excited by the sight of a female negro labouring in the field; which, however some persons might choose to scoff at, would convince every one with the feelings of a man, that no time ought to be lost in applying a remedy to such evils (hear, hear). Notwithstanding the degraded state of the slaves in the island of Jamaica, the bishop of that place attributed all the vices of which they were guilty to their want of religion. Mr. Maynes, in the legislative assembly, had said that although he was surrounded by hundreds of negroes, he could lay his head on his pillow in perfect security, and without a door being locked or a bolt drawn, or the least expectation of injury either to person or property. If these representations were true, what reason could there be for delaying to another session that which might now be profitably and justly performed? What reason could be urged against this house declaring that, unless the West India body should adopt some efficient measures, they would take the matter into their own hands, and do that which every argument and the most enduring patience of insult had hitherto failed in inducing the West Indians to adopt (hear, hear)? It was too plain, that that body were actuated by a temper directly opposed to the opinion of the house. The votes of money to Mr. M<sup>c</sup>Queen and to the Editor of *John Bull*, proved that they not only encouraged a bold and open defence of slavery, but that they engaged agents to attack with the most scurrilous abuse all who differed in opinion from them on this point. It was in vain to pretend that the opposition which was raised in that house against slavery, was only created and kept up by the Anti-Slavery Society. On the contrary, the force of public opinion was its only support, and the perfect unanimity with which persons of all opinions in religion and politics approached the house and claimed by their petitions the fulfilment of their common wishes. Before he sat down, he would state, that he had no personal enmity to the West India interests. On the contrary, he was a member of a committee, in 1817, wherein it was proposed to allow sugar to be distilled; and on that occasion, singly and alone, on his own side of the house, he supported the motion of Government. In the slave consolidation laws, too, he found that some clauses pressed more heavily on the proprietors than he thought was fair; in consequence of which, he altered the clauses so as to protect their interests. He mentioned these facts only that it might not be said he was a man, who having nothing of his own at stake, was forward to perform an act of humanity at the expense of others. In conclusion he expressed a wish that the West Indians abroad would attend with impartiality to the discussions in this house, and act with such justice towards their slaves as would render any interference on the part of the legislature unnecessary—a mode of conduct which would not only be universally agreeable to the people of England, but which might be adopted without any loss of property to themselves (cheers).

\* *Ante*, p. 101.



Mr. Bernal said, that when attempts were made to deprive the planters of certain privileges, which must ultimately prove ruinous to their properties, it was time for them to step forward and use every fair means in their own defence. It was only in 1775 that a statute was passed, relieving a certain class of the people of Scotland from a state of slavery as complete as that under which the slave population of any of the colonies laboured. It was only so recently as the reign of his late Majesty, that an act was passed that the persons who worked in the collieries and salt mines of Scotland were enabled to get rid of the engagements which bound them to work there for life. As it was only so lately that this improvement had taken place here, it was not too much to allow some space of time for improvement on the other side of the water (hear, hear). In commenting upon the conduct of the colonial legislatures, it was not fair to confine their attention solely to what had been done since 1823;—it would be a fairer course to extend their observation over a space of twenty years, and to embrace in their consideration the many measures which had been adopted for the improvement of the condition of the slaves. As to the charge of opposition, which had been offered by the colonists to religious instruction, he could with confidence assert, that even the Wesleyan and various other missionaries, were favourably received and encouraged in Jamaica and Antigua; and he would ask if it was fair, after such favourable treatment, to hold up those to obloquy who were connected with the colonies, and to excite prejudices against them as persons hostile to religious instruction (hear, hear)? The question of property was not to be lost sight of in this subject: it might be originally a property acquired by spoliation—it might be, in its first acquisition, contaminated; but it had long been recognized by this country, and was as much entitled to the protection of Parliament as any other species of property. It was easy for gentlemen who had no colonial property to speak in the language of lamentation upon the subject—but those who were possessed of that property—who had wives and children and families dependent upon that property, could not divest themselves of some apprehension of the danger that would arise from any peremptory measure of interference in effecting a change in their condition (hear, hear). He was not—God forbid that he should be—hostile to improvements in the condition of the slaves; but at the same time that they were desirous of dealing out humanity to the black, they should be mindful of meting justice to the white population—whilst they were improving the condition of one class, let them bear in mind the protection that was due to the legal interests of another (cheers).

Mr. R. Ellis confessed that this motion appeared to him better calculated to embarrass the proceedings of Government than to assist them in their meritorious views for the amelioration of the condition of the slaves. He was not the indiscriminating champion of the colonial legislatures; but he conceived that on many points they had been both misrepresented and misunderstood. And first, with regard to the point of religious instruction, which was the most important of all, as it was the only safe preparation which the negro could have for the exercise of those civil rights which Parliament was so anxious to confer upon him—the colo-

nial legislatures had given the Bishops sent out by this Government every power which they had themselves required. He would refer, in support of this assertion, to the testimony of the Bishop of Barbadoes, who stated, that wherever he went he was received with the utmost respect, and that he experienced the greatest readiness and desire to co-operate with him in the objects of his mission, both on the part of the colonial legislature and of the inhabitants. The second point to which he was desirous of inviting attention, was the measure which had been sanctioned by an act of assembly in Jamaica, relative to the manumission of slaves. The security which had formerly been deemed requisite was dispensed with, and a summary process of manumission had been introduced, which could not be regarded otherwise than as a measure greatly facilitating the attainment of freedom by the slaves. The position formerly taken up by the abolitionists was, that the emancipation of the slaves ought to proceed, not from any positive act of the legislature, but from that benign and almost insensible revolution in morals, and in the manners of society, which might induce the masters to liberate their slaves spontaneously, and without any extraneous compulsion. They referred to the practice of individual enfranchisement as the cause of the abolition of villeinage in England, and they said the abolition of slavery would be produced in a similar manner in the colonies. Why had the abolitionists abandoned their own principles? He regretted that Government had adopted the principle of compulsory manumission, in the order in council. If the slave knew that it was in the power of his master to grant or to withhold his freedom, he would feel it his interest to conciliate his master by his good conduct; otherwise his object would be to become as worthless as possible. If the slave could purchase his freedom by right or law, it would naturally be the object of his master to keep him poor, by depriving him of those indulgences and privileges, which, under other circumstances, would be allowed him. The measure therefore tended to defeat its own objects. —He very much regretted the rejection of the Slave Evidence bill in Jamaica: he lamented the refusing of the evidence of slaves upon oath; he highly disapproved of the principle of taking away the life of a negro upon the evidence of a slave, not upon oath, and rejecting the oath or evidence of a slave against a white man, in cases even of simple misdemeanour. The rejection of these meliorations by the house of assembly in Jamaica was not to be attributed to any deficiency of knowledge, or impropriety of feeling, but to an extraordinary coincidence of circumstances. At the period of that discussion in the colonial assembly, there was a great clamour out of doors, and the discussion was upon the eve of a general election. There was, however, an improved sense in that island, and the measure might be received in better temper hereafter. It had been stated, demi-officially, that the orders in council, in relation to the island of Trinidad, constituted the whole plan, and comprised a summary of the intentions of Government. The house of assembly, therefore, determined to wait until they saw how the regulations would work.—He was not disposed to question the power of this country over its colonies: he knew it was irresistible—that it was able to crush its colonies. They had not the power of resistance; but they had another



power—that of inertness; they might resolve to do nothing, and thereby might defeat the objects of Government. That the measures of amelioration and emancipation must originate with the owners, was not his opinion alone, but that of the greatest statesmen. He would quote one only, and he would select a person whom the learned gent. (Mr. Brougham) must respect,—he meant Mr. Fox. On no question was this great man's opinion entitled to more weight. By his energy of character, he had put a stop at once to the slave-trade, which all the eloquence of Mr. Wilberforce, and all the power of Mr. Pitt, had been unable to accomplish. Yet, in 1806, Mr. Fox had said, that "the idea of parliament's emancipating the slaves in the West Indies, without the consent and concurrent feeling of all the parties concerned in that house and in the country, would not only be mischievous, but actually extravagant in its conception, as well as impracticable in its execution."

Mr. Butterworth rose amidst the most vehement cries of "question." He said that the question was of the utmost importance, and he only wished to detain the house by a few words (question, question). He was sure all must rejoice in the establishment of the Church and its machinery in the West Indies (question, question). Now that the slaves were instructed by the missionaries, it was most extraordinary that they could not be admitted as witnesses in the courts of justice (question, question). The missionaries had talked to the slaves about the Sabbath, and—(the cries of "question," and the coughing throughout every part of the house, here induced the hon. member to conclude).

Mr. Denman said, that the extraordinary progress of the colonies in liberal views, within these few years, was a proof that the house ought not to wait the slow progress which some hon. members talked of; but that it ought to press its measures. The sentiments of preceding authorities had been misquoted. It was true, that in 1806, the hopes of the legislature had been, that the masters of the slaves would themselves effect the amelioration in their condition: that was the wish of this country; but if the experience of twenty years taught that these expectations were fallacious, was the house to be bound by the mistaken views that had been then taken? In 1806, Mr. Fox had thought the question not ripe for discussion, and had depended upon the good sense and sound principles of the masters; but if these hopes had been defeated, and the masters would not become the instruments of emancipation, and the Government met with resistance to its measures, it became the duty of parliament to see that the hands of Government were strengthened. In 1807, one of the greatest ornaments, and one of the most splendid orators of this country (Mr. Sheridan), had said that he did not like to hear the term "property" applied to the subjects of a free country. He had asked, could man become the property of man?—and, speaking with reference to the English Constitution, he had said, that every colony of the country must bear its principles of Government, and could no more shake off its allegiance to the Constitution, than it could its allegiance to the Sovereign.—The system of slavery would not wear itself out, unless the Parliament of England did its duty. Of this, there was abundant proof, in the resistance which the colonial legislatures offered, not only to the known wishes of Parliament, but

to the general and undivided sense of the country.

Mr. Canning said, that the resolution contained a proposition to which he, in the abstract, could offer no opposition; but the question was whether, involving with that proposition other matter, it was or was not calculated to produce hurtful rather than beneficial effects? He must lay altogether out of his consideration the other topics of the learned gent.'s speech, for they turned upon points upon which that house and Government had already determined to proceed. The learned gent. recommended force and terror, while Government thought it most advisable to try recommendation and conciliation. In turning to the arguments used by the learned gent., he should take the resolutions adopted by that house in 1823 as the code upon which ministers had determined to act. If there were in that house those who wished to go back to 1807, and say, act upon the principle, that the act of abolition passed at that period, ought to have been followed up by an act of emancipation, then his answer was, that they came too late in the field (hear, hear). He would tell them that the emancipation now sought to be obtained, was by gradual, temperate, and moderate means, and that Government were not to be diverted from that course, unless by such acts of resistance and contumacy as he trusted they were not likely to experience. Again, others who wished to proceed on the abstract question, would set at nought the lives, the liberties, the property of thousands, upon the ground that man was not made to be the property of man. In answer to those who so argued, he must say, that they did not treat the subject either as legislators, or as men who understood the frame and formation of society, and that they aimed at nothing less than the dissolution of all civil society in our colonies, and the introduction of ravage and desolation (hear, hear)! This was a course which it surely was not advisable to take. For who could expect that our colonies would co-operate with us, in bringing about that which must ultimately effect their own ruin? A learned gent. (Dr. Lushington) had referred to a former speech of his, in which he (Mr. Canning) stated, that the spirit of the British Constitution was hostile to slavery. That that sentence was his, he had no hesitation in avowing; but, in quoting it, it was but fair to take into consideration the occasion, and the object which gave rise to it, as well as the other observations with which it was coupled. The sentence was uttered upon a motion made by an hon. member (Mr. Buxton), in which that hon. member stated, that the established religion and the constitution were inconsistent with a state of slavery. But he (Mr. Canning) appealed to the house, whether it was treating him fairly: to quote a passage, which of itself had one meaning, but when coupled with others, bore a very different construction. He had proceeded to say that the constitution had tolerated slavery—whether it was that the country was governed by men, who, however able upon other matters, were blind upon this;—whether it was that the period of maturity had not arrived, and that those lights which had recently burst upon us had not yet shone forth, he knew not, but so it was that a system of slavery had been established, and carried on by this country, and that black and Stygian stream which had been poured into our colonies had become necessary



to its sustentation and support (hear, hear). Moreover, whatever might be men's wishes or feelings, it was impossible to maintain, for a moment, that slavery and the Christian religion were incapable of existing together. They did exist together; they had existed together from the first dawning of Christianity, down to the present time. The spirit of that religion was to tame the proud, and to assist the lowly; but not by sudden changes—by the destruction of existing systems—by revolutions of danger and of blood. While mounting the throne of the Cæsar, it was comforting the poor captive in his cell: it had been preached in the streets of ancient Rome, at a time when *servi cruciuntur* was the ordinary process of the Forum. Though that house, and the country, and religion, were alike repugnant to slavery, it was not the less true that they had continued to rear and encourage it with a fostering hand. What, though we looked upon it with abhorrence, was it the less true that it had gone on and flourished? Were we, then, whose fathers nourished that system, and who ourselves continued to rear it, to turn short upon a portion of our community, and say, "You, you alone are guilty, and you shall bear the whole of the punishment" (hear, hear)? Were we, in endeavouring to get rid of the pestilence, to turn round and point out a few, as the spotted lepers, who were to be exterminated (hear, hear)? Then he came again to his original question—what would be the effect of the resolution now proposed, but to precipitate the intentions, and to perplex the policy of Government? The resolutions now existing—those of 1823—had been approved by all parties. Was there any suspicion—any occasion to suspect that Government had not acted sincerely in its attempts to carry those resolutions into execution? Had they not avowed their determination, and were they not prepared to abide by it, if those attempts were met with contumacy and resistance, to call upon Parliament for that aid to which, under such circumstances, though unwillingly, they must have recourse? The resolutions now proposed, prejudged the question. They said, that the house had seen with regret the proceedings of the West India legislatures, and in that feeling he entirely agreed; but he could not close with the practical conclusion—without which the first part of the resolution was good for nothing—that the house would, in the next session, take into its serious consideration such measures as might appear expedient for giving effect to the resolutions. The effect of all this would be, to deter the colonists from doing any thing. They would say, that there was no hope of satisfying Parliament—no utility in making the attempt. Whatever hope there was, in the period of six or eight months between this and the next session, of their thinking better of the absurd and impolitic course—to apply no harsher term to it—which they had thus far pursued, that chance the impatience of hon. gents. opposite would in all probability destroy. On the main ground of his opposition to the learned gent., his (Mr. Canning's) opinion remained unaltered. In principle they were nearly agreed; but some persons there were who were always ready to run a risk for the sake of arriving suddenly at their object; others—and of these he (Mr. Canning) was one—were content to put up with some slight retardment for the sake of arriving at their object safely.—At so late an hour he would not trespass longer  
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upon the patience of the house. He hoped that he had, however, shewn the sincerity with which ministers meant to carry into effect the gradual but effectual abolition of slavery; that if he opposed the resolution of the learned gent. it was because, whilst he did not wish to adopt that which had an air of menace on the one hand, he was prepared to shew that, in proportion to our liberty, we were determined and enabled to enforce our wholesome and holy determination (cheers).

Mr. Brougham maintained that slavery had existed, not in accordance with the principles of the British Constitution, but in spite of them. So it was with respect to the Christian religion. Could any man deny that it was most unchristian to hold a fellow being in slavery—to treat him as a brute beast; and, at the instigations of capricious cruelty or sordid avarice, to tear the very flesh from his bones (cheers)? Such a system was essentially repugnant to Christianity, and could, by no process of sophistry, be reconciled with its mild and benignant spirit.—The rt. hon. gent. (Mr. Canning) had represented his (Mr. Brougham's) resolution as imposing an obligation on the house to proceed absolutely next session with coercive measures against the colonies. The resolution, however, only bound the house to take the question into its "serious consideration" next session, if nothing should have occurred intermediately to obviate the necessity.—As to the argument, that harm would result from the rejection of the resolution, let the responsibility rest on the heads of those who voted against it.

The house divided. For the Resolution, 38  
 —Against it, 100—Majority, 62.

FRIDAY, MAY 26.—Lord Dudley and Ward presented a petition from the merchants of Liverpool, trading to the West Indies; in which the petitioners expressed their apprehensions for the security of West India property. The petitioners complained of that compulsory system of emancipation by which a slave had a right to purchase his freedom, according to an arbitrary standard; for, supposing 80*l.* to be the price of a slave's freedom, and that there were 100 slaves on an estate, the whole amount would be 8000*l.* But, by the emancipation of these slaves, the estate would be ruined; for though the value of it might be, perhaps, three times as great as that of the slaves, without them it would be of no value at all. The fair way, then, of settling the value of a slave, was by taking the value of the whole estate, with the slaves and cattle, &c., and then, dividing the whole amount by the number of slaves: the quotient would give the just value of each slave. Any thing short of this was, in his opinion, confiscation.—The petitioners also complained of interference with the colonial assemblies. He certainly thought it best that the proceedings in regard to the emancipation of slavery should be voluntary; but if, before the meeting of next parliament, they should offer any opposition to the reasonable measures proposed by parliament, it would then be time to interfere with a strong hand, and the colonists would lose the favour of those persons who now defended their interests.

The Earl of Lauderdale rose to make one observation on a word that had fallen from the noble lord. If the noble lord meant by "strong hand" that Parliament should interfere with an armed force, he (Lord Lauderdale) took this

opportunity of expressing his hope, that before such an interference took place, their lordships would well consider whether they would not thereby bring on scenes more shocking to humanity than any ever attributed to colonial slavery, much as it had been the subject of exaggeration in this country.

COMMONS, THURSDAY, FEB. 16.—Mr. *Herries* moved to bring in a bill to repeal so much of the act of last session "making provision for the salaries of bishops and other clergy in the diocese of Jamaica, and in that of Barbadoes and the Leeward Islands; and enabling the Crown to grant annuities to retiring bishops," as restricts the number of ministers and their salaries; and also, to enact that their salaries, to be charged on the consolidated fund, should be distributed by the bishops of Jamaica and the Leeward Islands, with the consent of the commissioners of the treasury.

### *Sierra Leone.*

WEDNESDAY, MARCH 1.—Mr. *Hume* said, that a sum of 27,000*l.* had been ordered, two years ago, for building a barrack at this horrible place, which sum, after it had been expended, the house was only now called upon to vote. He objected to such a mode of transacting business; and wished that money, generally, should be voted before works were set about. As a commission was now sent out to report upon the state of that colony, he thought, moreover, it would be highly advisable to incur as little expence as possible before the report of that commission was received. He had no doubt, that the best thing they could do with Sierra Leone would be to get rid of it as fast as possible.—He concluded by moving for quarterly returns, since the cession of Sierra Leone to England, of the number of persons, civil and military, sent to that settlement, with an account of the numbers who had died, and returned, distinguishing those who had been killed in battle; and certain other particulars.

Ordered.

### *Cape of Good Hope.*

TUESDAY, FEB. 7.—Mr. *Hume* said that it was three years since a commission had been sent out, in consequence of repeated complaints, to inquire into the state of the Cape of Good Hope. The commission to which he alluded had been ordered before any proceedings against the noble lord (Charles Somerset), had been intimated, and as its inquiries were unconnected with those proceedings, he thought a report of them ought to be given to the house.

Mr. *Wilmot Horton* replied, that no report upon the general state of the colony had as yet been received.

### *Lord Charles Somerset.*

MONDAY, MAY 8.—Mr. *Beaumont* presented a petition from Mr. Bishop *Barnett*, relative to the conduct of Lord Charles Somerset. The petitioner stated:

That he had presented a petition last session inculcating Lord C. Somerset's conduct; but

that in consequence of an intention being signified on the part of Lord C. Somerset of returning to England, and leave of absence having been given to him for that purpose, the house declined proceeding on that petition:

That the petitioner, thereupon, laid a second petition before the house, requesting permission to return to the Cape, for the purpose of procuring evidence in support of his charges against the noble lord:

"That the Under Colonial Secretary of State having virtually promised the sanction of his department to the petitioner's return, by pledging its accedence to his request, on the exhibition of a just pretext, the hon. house thought proper to decline acting on his petition; and the petitioner took measures for his immediate return to the colony, when to his astonishment this leave thus promised was peremptorily withheld by Earl Bathurst."

"That as his Majesty's Commissioners of Inquiry at the Cape had by an extraordinary course of proceeding intimidated witnesses from giving in their testimony in the scrutiny of grave charges against his Excellency the Governor, the petitioner could not perceive that the reference of the Colonial department to the functions of those gentlemen furnished any satisfactory hope of redress when their long protracted report should arrive. The petitioner, therefore, protested against any conclusions being drawn or any decision being formed in his case from an investigation necessarily partial and imperfect, in a colony where the petitioner had no hesitation in declaring, no man dared disclose a truth in the slightest degree offensive to its Governor, without entailing persecution."

The petitioner further prayed that the house would examine Lieut.-Colonel Bird touching the premises previous to his return to the Cape of Good Hope.

Mr. *W. Horton* was not surprised that the petitioner impugned the motives, and protested against the report of the Commissioners, being aware that that report must be unfavourable to himself. A voluminous report had been received by the Colonial department from the Commissioners, and was ready to be laid at any moment upon the table of the house. The house, if it would take the trouble of reading the evidence annexed to that report, would be qualified to decide, whether it ought to concur in the opinion of the Commissioners, that the charges which the petitioner had preferred against Lord C. Somerset were grossly exaggerated, and were not such as required the interference of that house (hear, hear). Even from the statement of the petitioner himself, it was evident that he inculpated Lord C. Somerset for what had been done by the judicial authorities of the colony. The Commissioners had recommended that the Dutch law, which now prevailed there, should be assimilated to the British; but until that assimilation took place, it was the duty of the constituted authorities to act upon the Dutch and not upon the British law. He contended that the Commissioners were fully competent, both from their respectability and from the opportunities which they had enjoyed of collecting information, to give a correct opinion upon the subject; and as the fullest information was contained in the report on the subject of the petitioner's charges against Lord C. Somerset, it would be unnecessary to examine Lieut.-Colonel Bird upon them, who, as far as he could judge, had no



connexion whatever with them. With regard to the petitioner's application to Lord Bathurst for leave to return to the Cape, he would only say, that if any gent. chose to move for copies of the correspondence which had passed between the petitioner and the Colonial government, he should willingly accede to the motion. The petitioner had been backward in bringing forward his charges in a substantive form against Lord C. Somerset, and had been particularly active in filling the newspapers with the most exaggerated descriptions of them. Though the case of the present petitioner could not dispose of the cases of other petitioners, still he thought that the perusal of the report would convince every unprejudiced man that his statements were gross and unfounded exaggerations (hear, hear).

Mr. Home said, that at an early period of the session, he had inquired if any report had been received from the Commissioners sent to the Cape, and had been informed by the hon. Secretary that there had been none. If, therefore, there was any delay in bringing this subject before the house, the blame was either with the Colonial Secretary, or with the Commissioners; certainly not with the petitioner, who had last year brought forward substantive charges against Lord C. Somerset, when the house thought it right that Lord C. Somerset should return before it proceeded to investigate them. Why, he would ask, had the noble lord not returned to this country—why, but because he wished to evade justice, and to frustrate inquiry (hear, hear)? He had some time ago read to the house a letter from the Cape, in which it was explicitly stated to him (Mr. Home) that he would not see Lord C. Somerset during the sitting of the present session. That prediction was now verified: and how did such conduct on the part of an accused man appear? It was unfair, therefore, in the hon. Secretary to say that the petitioner had been backward in bringing forward his charges. The delay had been caused by the petitioner's waiting for the arrival of the noble lord in England.—Then as to the Commissioners, they had been three years at the Cape, and as yet it was a secret to the house—or, at least, it was a secret to him—what they had done, or whether they had done any thing (hear, hear). He had, therefore, good grounds for doubting their activity in accomplishing the objects of their mission. As to the refusal of Government to let the petitioner return to the Cape, he considered it to be a very harsh and unjust proceeding (hear, hear). The petitioner had been sent off from the Cape at a moment's notice, without the possibility of making any arrangement for obtaining redress; and this refusal had the appearance of an unwillingness on the part of Government to allow him to collect the evidence necessary to substantiate his accusations. But if the witnesses were not fairly brought forward on behalf of the accusation, an acquittal of the accused would be deprived of more than half its value. The evidence of Lieut.-Colonel Bird, who was acquainted with all the details of Lord C. Somerset's conduct, and whose testimony was essential, either to inculpate or exculpate the Governor, should be secured, in justice to all parties; not merely to the colony and to the petitioner, but also to the accused Governor.

Mr. W. Horton stated, that he had not presented the Commissioners' report sooner, be-

cause he thought that the house would not enter into a discussion of it till the return of Lord C. Somerset. If any gentleman had asked him a question on the subject, he should have given him, without any reserve, the same information which he had that evening afforded to the house.

Mr. F. Palmer said, that twelve months had elapsed since leave had been granted Lord C. Somerset to return, and yet he was not in England (hear, hear). He (Mr. Palmer) did not know what was contained in the report, but he could not forget that, besides the accusations of Mr. Bishop Burnett, there were several others much more grievous, brought forward against the noble lord. He thought that the friends of the noble lord should be anxious to detain Lieut.-Colonel Bird, whose evidence seemed so material to the question.

Lord E. Somerset rose for the purpose of declaring unequivocally, that his noble relative had been most anxious to leave the Cape on first hearing of the charges against him, but that he had been ordered by the Government at home—and he spoke in the presence of those who could confirm his assertion—not to leave it until the arrival of the Lieutenant-Governor. The Lieutenant-Governor did not arrive till the 9th of February last, and his noble relative had sailed as soon afterwards as he possibly could (hear, hear). He was still in hopes that his noble relative would arrive before parliament separated, as letters had been received in England, stating that he had left St. Helena. Indeed, had it not been for the continual succession of north winds for some time past, it was most probable that he would before this time have been in England (hear, hear). Though he had repeated that his noble relative was most anxious to face his accusers, it was not for him to say whether Lieut.-Colonel Bird should be detained in this country or not.

Sir F. Burdett said that upon the propriety of taking the evidence of Lieut.-Col. Bird before he left England,—that was a point of so much importance that he trusted that ministers would for their own sakes, for the sake of the noble lord now under accusation, and still more for the sake of the petitioner, not deprive him of the means of securing that evidence, which was described as most important to the prosecution of his claim for redress.

Mr. W. Horton said that Col. Bird was not in any respect connected with the charges which the petitioner had brought against Lord C. Somerset, as would be seen, whenever the report and appendix was printed. If any subject could be pointed out on which Col. Bird could afford to the house any information which the petitioner might deem favourable to his cause, he would have no objection to grant the petitioner his request; but at present he did not know how any gentleman could put a question to Col. Bird, if he was at the bar, relative to the complaints made by the petitioner. Surely the petitioner must state something specific before his prayer could be acceded to.

Sir F. Burdett:—"The petitioner states, that he conceives Col. Bird to be a material witness on his side."

Mr. Brougham said that it would be unjust to the colony, to Lord C. Somerset, and to the petitioner, if Col. Bird were not examined as to his knowledge of the facts of this case.

The Chancellor of the Exchequer said, that it was very easy for gentlemen to talk of detain-

ing Col. Bird; but the fact was, that Government had no power to detain him. He was going on his own private business to the Cape of Good Hope, and Government, therefore, had no right to say that he should not quit the country.

The *Speaker* here observed, that on looking over the petition he observed an informality in it which must prevent its reception by the house, and it was accordingly withdrawn.

FRIDAY, MAY 19.—Lord E. Somerset begged leave to ask the Under Colonial Secretary whether he was prepared to lay before the house the papers relating to the complaints which had been made by Mr. Bishop Burnett against his noble relative. His noble relative had now arrived in this country, and was most anxious, before the separation of parliament, to meet the charges and insinuations which had been thrown out against him; and he himself had no doubt, when the matter came to be properly investigated, of convincing the house that they were gross and unfounded calumnies.

Mr. W. Horton said, that he had intended to have moved that those papers should be laid before the house, but he had all along been expecting that an hon. member (Mr. Beaumont) would make some motion on the subject; and indeed, he had received a note from him that morning, saying, that it was his intention to do so.

Mr. Beaumont said he should have moved for these papers before now, but as he understood parliament had decided on taking no further steps in this business this session, he had refrained from doing so; but he pledged himself, that if he had the honour of a seat in the next parliament, he would take an early opportunity of bringing the matter before the house.

### Colonial Currency.—(Cape of Good Hope).

Mr. Baring presented a petition from Lieut.-Col. Bird, complaining of the changes occasioned in the currency of the Cape, by large issues of paper money by the colonial Government. The hon. member entered into a description of the various changes which had been effected in the currency of that colony by the Dutch governors, whilst it was in the possession of the United Provinces. He then said that by the proclamation of Sir David Baird the value of the rix-dollar had been fixed at 3s. 6d. It had been so high as 4s. but had then declined, and from that period to the present had been successively reduced to 3s., 2s. 6d., and finally to 1s. 6d., at which rate it now continued. All these depreciations had been occasioned by the extensive issues of paper money, and showed the influence which paper money had upon the value of a metallic currency. He was quite sure those issues would not have the sanction of the house, and he hoped to hear that the case of the petitioner would receive further consideration from Government. The total amount of the Cape currency was about 2,500,000l.; the amount of mortgages made during the period in which these changes were taking place, was 30,000,000l.; and other private transactions came to nearly the same amount. He knew that it would not be easy to return at once to a currency of the original value, nor would it be consistent with justice to do so indiscriminate-

ly, even if it were practicable. But a graduated scale might be made of the various engagements which had been entered into, and of the value of the currency at different times. It was obviously necessary that some such measure should be adopted, because, as he had been informed from unquestionable authority, many individuals had been ruined by the effect of these changes. If he had heard that these things had been practised in a barbarous country, he should perhaps have felt no great wonder at it; but when he knew that the subjects of the British empire were exposed to their effects, he could not hesitate in his censure.

The *Chancellor of the Exchequer* said that when the time should serve, he should be ready to justify the course which Government had felt it necessary to adopt; but he should first be obliged to move for certain returns, in order to put the house in possession of certain facts explanatory of the present subject; and in the meantime he hoped that hon. members would not conclude with the hon. gent. that the conduct of ministers had been as unjust and iniquitous as he represented. When the hon. gent. compared the paper money of the Cape with that of this country, he compared two things which had no resemblance whatever to each other; for the former, whether issued by the Dutch or by the British Government, was never convertible into specie, nor payable on demand. Like all other paper-money, the amount of which was unlimited by the law of the country in which it was made, it contained all the essential qualities of depreciation; it never included any obligation on the part of the Government to pay it in specie (hear, hear, from the opposition). However this might surprise gentlemen, he would prove it by means of documents for which he should move by and by. The measure which gave rise to this complaint, was a part of a general design to give to the colonies which were overrun with paper-money, something like the benefit of a metallic currency. It became necessary, in putting this into practice, to consider at what rate they should receive the paper-money already issued, in exchange for the silver they sent out. This showed also that the Government did not feel themselves obliged to take the paper-money at par. The hon. gent. was mistaken if he supposed that the various issues of paper-money which had taken place at the Cape grew out of the necessities of the British Government, or that they had been used in payment of the British troops, or for the public services of this country, but for the local purposes of the colony. It would be extremely unsatisfactory to enter at present any further into this subject, but he would first put the house into possession of the materials necessary for forming an accurate judgment, and then he should be ready to enter into any further discussion of the matter.

Mr. H. Gurney mentioned an instance of some infant children, whose property had, upon the death of their parents, been deposited in the Orphan's Chamber, at the Cape, by the fiscal, their legal guardian, when the dollar was at 4s., and who for the last 11 years had been able to obtain only a part of the interest, and that at a depreciation of between 200 and 300 per cent. He knew that in many other instances losses to a similar amount had been sustained by persons whose property was in the hands of the Government at the time of the capitulation of the Cape to the English forces.



Dr. Lushington said that the petitioner could have no remedy at law; but it was usual on other occasions to afford to parties interested an opportunity of stating their cases to the Privy Council, where they were duly heard and examined.—He was greatly astonished at the right hon. gent.'s (the Chancellor of the Exchequer's) declaration that the paper-money had been issued without any obligation for repayment. He could not conceive any Government's issuing notes without the most solemn obligation, in common justice as well as in common sense, to repay in value that of which they had received the value. And yet the rt. hon. gent. offered it now as a grace and condescension, to give 1s. 6d. for that which had been issued at the rate of 4s.

Mr. Elliot said he should like to know in what part of the history of the paper currency of this or of any other country, the rt. hon. gent. had found that the notes issued by a government were not convertible into specie. It was clear that the rix-dollar had been reduced from 4s. to 1s. 6d. by the issues of the Government since the colony had been in the hands of the British; and it was impossible that the legislature of England, whatever the ministry might have done, could authorize the continuance of that system, or withhold the justice which was now demanded.

Mr. Herries:—His rt. hon. friend had not said that those who issued paper-money did not incur an obligation to pay its value. All that he meant was, that when we took the Cape and engaged to maintain the paper-circulation which was then in existence, that was not a circulation convertible into specie at the will of the holder. If the hon. member (Mr. Baring) would refer to one of the notes, he would see upon the face of it, that it did not specify that the bearer was to receive the amount on demand; but that he was the proprietor of so many stivers. The depreciation of the currency was nothing new in the colony, for in the second year after the issue of paper-money, an edict was published by the Dutch Government, prohibiting persons from selling the notes at a certain rate below their nominal value. The paper-circulation never approached *par* but upon two occasions; one was when the Dutch Government paid off a large quantity for the purpose of issuing more; and the other occurred immediately after the capitulation, when it was believed by the inhabitants that they had much to expect from the liberality of this country. The measure which led to this petition was calculated to effect a most desirable improvement in the currency, and to introduce British money in lieu of the various circulations which prevailed in different colonies. In some of them, paper was in use, in others, foreign coin, or coin which had been fabricated by different Governments on the spur of particular exigencies. In one instance, they had been so absurd as to cut a circular piece out of the centre of a Spanish dollar, and to publish a declaration, after its intrinsic value had been thus reduced, that it should pass current for 1s. more than before. It would have been an act of enormous injustice, had the Government introduced a metallic currency, and established the rix dollar at 4s. The object of the legislature ought to be to place all, as nearly as possible, on a footing of exact equality. The Treasury had not undertaken to pay off the debts of the old governments, but to substitute a metallic for a paper-currency. There was a sum of 3,100,000*l.* in circulation in paper

in rix dollars, part of which had been advanced in loans; of this sum 1,870,000*l.* was due to the colony. The Government, therefore, would have been no loser by a regulation by which this sum was paid at 4s. the rix dollar. The subject would come before the house in the next parliament, when he would be prepared to enter more at large into the details.

Mr. Baring fully agreed with the hon. gent. (Mr. Herries) in the propriety of establishing a metallic currency at the Cape; but he complained of the inequitable adjustment of different contracts.—He begged to state, that in the observations he had made, he intended to make no reflections on a distinguished individual at the head of the Cape Government.

Mr. Hudson Gurney begged to know whether the creditors in England and Holland, previous to the capitulation of the colony, were to receive the amount of their claims in rix dollars, or sterling money?

No answer was returned to this question.

The petition was then ordered to be printed.

### Singapore.

LORDS, TUESDAY, MARCH 14.—The Marquis of Lansdowne moved for an account of the imports and exports of Singapore. He made this motion in consequence of understanding that the East-India Company had entertained a design of imposing duties upon that port, the effect of which would be to stifle its trade, which, if these papers were produced, would appear to be flourishing with a degree of increasing prosperity since its cession to this country, that was likely in a short time to render it an acquisition of the greatest importance. All the advantages anticipated from our possession of the country had been fully realized; and he was certain that they would continue to increase rapidly if Singapore were retained as a free port. In that part of the world, composed as it was of various tribes and nations, some of them barbarous, some civilized, such was the quick apprehension which prevailed of the advantages of a free trade there, and of the permission granted them of frequenting that place, that its trade, which in 1822 had amounted to 8,468,000 dollars, in 1824 had increased to the enormous sum of 15,773,000 dollars; doubling its amount in three years. It was impossible to consider this extensive trade, drawn from so many different quarters, without feeling that it must have operated a most material effect upon our great empire in the east, as well as upon that of China, by producing a commercial spirit in that quarter of the world, of which this country ought to avail itself. In the course of two years and a half 2889 vessels had entered that port, only 363 of which were manned by Englishmen, the remaining 2506 being manned by natives of other nations. He trusted the port would be suffered to continue in its present state in despite of the short-sighted policy that would sacrifice such important advantages to the paltry lucre to be derived from the imposition of duties, which would only have the effect of annihilating its trade in a short time.—Accounts ordered.

### Juries in India.

COMMONS, WEDNESDAY, FEB. 22.—Mr. Wynn moved for leave to bring in a bill to regu-

late the appointment of juries in India. At present juries in India could consist only of British subjects; and though one would imagine that these words would admit of the widest construction, so as to include all persons born in the British dominions, a different construction was, however, put on the matter in India, where all persons not born of British parents, even half castes, were excluded from serving on juries. This construction had continued for so long a period, that nothing but an act of parliament would be effectual in altering it. The remedy he had to propose was, that all good and sufficient persons in India should be held capable of serving on juries—with this provision, that where Christians were on trial none but Christians should sit on the jury. Such other regulations and qualifications as might be necessary, would be added by the Supreme Council at Madras, subject to the approbation of the King in council.

Leave given to bring in the bill.

### *Mr. Buckingham.*

TUESDAY, MAY 9.—Lord J. Russell presented a petition from Mr. Buckingham. That gentleman arrived in India in 1814, at a time when the Marquis of Hastings had abolished the censorship of the press, and left editors to act on their own responsibility, establishing at the same time certain rules to which they were ordered to conform. Mr. Buckingham engaged in the publication of a daily journal at Calcutta, which he conducted for five years without ever being convicted of any libel, private or public, having been only once indicted for an alleged imputation on the impartiality of the six secretaries to Government, upon which occasion he was acquitted without the slightest hesitation by the jury; and it should be recollected, that juries there being chiefly composed of Government dependents, were not so impartial as here. The petitioner invested 20,000*l.* in the establishment of this journal, and by his exertions brought it into so much note as to render it worth 40,000*l.*; and it paid annually a sum equal to 4000*l.* sterling in postage, to the revenue of Bengal. After he had brought it into this high state of repute, and had himself obtained the esteem of all his associates, he all at once received notice that he had given offence to the Government in India, by publishing articles which he ought not to have published, and that he must immediately quit the country. Now, these articles were such, that although they might not indeed have been permitted in countries where the Government was a perfect despotism, still would have been tolerated without objection in any country where the least freedom prevailed. However, shortly after he had received this notice, his license was abrogated, and, in that order, was involved his total ruin; the only ground for which was an article in his *Journal*, respecting the appointment of a Presbyterian Minister, which was no sooner noticed than annulled. As to the tone and manner of that article, it was such that, considering the circumstances, would, in this country, so far from being considered dangerous to the peace of the community, be regarded as deficient in bitterness, in severity, and political spirit. But Mr. Buckingham was obliged to depart from India, and leave behind him the property which his talents and his industry had accumulated. No sooner had he left India, than certain regulations were made, ordering, amongst other things, that the

proprietor of every journal should take out a license, liable to be revoked at the pleasure of the Government. One of the judges, Sir Francis M'Naghten, said, he should object to these regulations if they were made to extend to any existing journal. But, what followed? Within one month after Mr. Buckingham's departure, an order was given to suspend the publication of the *Journal*. He had come home to England, and, at considerable expence, had sent out materials for printing, and other purposes, in order to support his establishment in India, but the order had been issued in the meantime, to suspend the publication of his journal. After various negotiations with the Government, only one person could be found who would be allowed to carry on the newspaper, and that was the son-in-law of one of the members in council, and thus was his property destroyed, and the copyright of his journal transferred to a person not of his own choice. He therefore thought, if ever there was a man who had a right to complain, it was Mr. Buckingham. The consequence of this treatment had been, that he had not only lost the 20,000*l.*, which he had embarked, but that he was in debt to the amount of 10,000*l.*, on account of the acts and proceedings of the Indian Government. It had been said, that the measures of the Marquis of Hastings had led to these transactions; but he had seen communications from that nobleman, in which the removal of Mr. Buckingham was condemned, because, he said, whatever might have been the tendency of Mr. Buckingham's writings, he never was guilty of wilful and deliberate offence to the Government. As to the propriety or inexpediency of a free press in India, that was a question into which he did not mean to enter at present; he should confine himself strictly to the wrongs which the petitioner had suffered; and he complained of it as gross injustice, that, because the Marquis of Hastings had thought fit to abolish the Censorship, and try the experiment of a Free Press, under certain regulations—and because that experiment had not succeeded, that, therefore, the whole loss should fall upon the petitioner (hear, hear). It appeared to him that the Marquis of Hastings had not acted with due foresight in abolishing the Censorship, and substituting in its stead an arbitrary power over the writings of editors. He could easily believe that, so long as the Marquis remained as Governor, an editor would have nothing to fear, unless he abused the freedom which was allowed him; but the case was quite different when others succeeded the Governor-General. This was a case of individual grievance which imperatively demanded the attention of the house, and he therefore meant to move, that the petition he now held in his hand be referred to a select committee, instead of the usual course of moving that it lie on the table (hear, hear).

Mr. Charles Wynn said, that it was unusual to move for a committee, unless some previous notice had been given; a course of which the noble lord himself must see the propriety. The whole question appeared to him to hinge on this consideration: Was the press in India to be as free as in this country? On this point he was ready to meet the noble lord, and contend for its impossibility. The noble lord had adverted to the passages published by Mr. Buckingham, and had said that, although they might not be tolerated under a despotic, they would pass freely under a liberal government. No doubt,



under a free representative Government, such writings could produce no mischief; and if the noble lord thought it would be expedient to abolish the present form of Indian Government, and establish a representative one in its stead, he could understand his principle—if a representative Government were to be established, then let there be a free press; but it was the very essence of a free press that it could not co-exist with absolute authority (hear, hear). The noble lord had said, that the Marquis of Hastings had abolished the censorship, and thought fit to try the experiment of a free press. Now he would beg leave to read to the house the regulations under which the change was made. "The editors of newspapers are prohibited from publishing any matter coming under the following heads:—

"1. Animadversions on the measures and proceedings of the hon. court of directors, or other public authorities in England, connected with the Government of India; or disquisitions on political transactions of the local administration, or offensive remarks levelled at the public conduct of the members of the council, of the judges of the supreme court, or of the lord bishop of Calcutta.

"2. Discussions having a tendency to create alarm or suspicion amongst the native population, of any intended interference with their religious opinions or observances.

"3. The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

"4. Private scandal, and personal remarks on individuals, tending to excite dissensions in society."

These regulations contained an express direction how a newspaper was to be conducted, and warned a proprietor what course he was to avoid. That warning, however, Mr. Buckingham had, from the very first, disregarded. He seemed to think, that as Lord Hastings freed the press from some restraints, he had determined to make it wholly free;—and although repeatedly informed that such was not the intention of the Government, he persisted in acting as if it was so. In 1820, he was told what would be the certain consequence of the course he was pursuing; and when he still persisted, he was again, in 1821, assured that, if he once more offended, his license would be withdrawn, and he would be compelled to quit the country. Undismayed, however, by all threats—unaffected by all warnings—disregarding all advice—he still continued his course of libel against the Government, and then, and not till then, Mr. Adam compelled him to quit the country—a course to which he was driven by Mr. Buckingham himself, and which he could not avoid, with any regard to the dignity of the Governor-General, or the character of consistency, which ought to be maintained in a Government. A great deal had been said upon the conduct of the Government towards Mr. Buckingham and his property, after his departure from India. If, however, after his departure, a licence for printing his paper had been continued to the same proprietors, it was evident that it would have rendered nugatory all the former proceedings of Government.

Mr. Scarlett begged to remind the house, that the petitioner could not maintain an action against the Indian Government for any injury which he had received from it in the exercise of

its power, and that his only remedy therefore lay in the supreme authority of that house. He confessed that he was very strongly struck by one of the statements in the petition. Banishment might be nothing in the opinion of some members; but would the house bear to be told, without inquiry into the matter, that the most valuable part of the petitioner's property had been taken from him without any consideration being tendered for it, and then presented as a free gift to the son-in-law of one of the members of the very Government under which such an extraordinary transfer of property took place? If such a statement were correct, it appeared to him that the conduct of the Indian Government had not only been oppressive, but corrupt. He would gladly support the motion.

Mr. Wynn observed, that the licence of the *Calcutta Journal* had been withdrawn, and had never been granted to any other individual. The licence which had been granted to Dr. Mostyn, the individual referred to in the petition, and a friend of the petitioner, was a licence to print a paper to be entitled *The Scotchman in the East*.

Mr. John Smith said, that the East India Company had allowed its servants not only to deprive Mr. Buckingham of his property, but also to leave him incumbered with debts incurred in acquiring that property. Every attempt which Mr. Buckingham had made to obtain redress, had been treated with disdain and contempt; and even when he desired to obtain from the compassion of the Company such a remuneration as would only secure bread to himself and to his large family, he was met with the declaration that he had been deservedly punished, and had no claim upon them of any description.

Mr. Astell contended that, after the repeated warnings which had been given, Mr. Adam would have been unworthy of his situation, if he had tolerated any longer what he must call the insolence of Mr. Buckingham. On a late ballot at the East India House, out of 2000 proprietors of East India stock, only 157 had approved of Mr. Buckingham's conduct—a clear proof, in his opinion, that the public took no interest in his claim for remuneration.

The petition was then brought up and read. It stated that, "In consequence of the measures taken by the East India Company, the petitioner, instead of being possessed of an income of 8000*l.* from a property of the saleable value of 40,000*l.* which he enjoyed at the period of his banishment from India, had been utterly deprived of both income and capital, and was now involved in debts to the extent of at least 10,000*l.* more, from the measures pursued towards his property in his absence, and against which no foresight on his part could possibly have provided. That on hearing of this calamity, he solicited the Court of Directors for leave to return to India for ever so short a period to be named by themselves, to gather up the wreck of his property, and to prevent the further accumulation of debts; which permission was denied. And that, as all remuneration or redress was denied to him at the hands of the Company, he was driven to apply to the House of Commons."

Dr. Phillimore repeated the statement made by Mr. Wynn, and added that, in all that had been done, there was no undue exercise of authority. The punishment which had been in-



dicted on Mr. Buckingham was strictly conformable to the law; and if it had been severe, he had no one to complain of, because he had brought it upon himself. When the house considered the vast importance of our possessions in India, and the slender tie by which they were held—that a handful of Europeans exercised supreme sway over many millions of the native people, and that our empire was maintained by opinion alone—they must see that if the same freedom of discussion were allowed to prevail in that country as we enjoyed here, and if individuals were permitted to traduce the Government through the means of the press, it would be impossible to retain that power from which this country drew so much advantage.

Mr. Trant said, that if the question were solely confined to the removal of Mr. Buckingham from India, perhaps he might be disposed to concur in the propriety of his banishment. But looking at the whole of the conduct which had been adopted towards that individual, part of which, from his connexion with the Government of India, he (Mr. Trant) had an opportunity of observing, he must say, that a case never occurred to him by which he had been so perplexed. Upon a review of the whole of it, he was by no means satisfied that justice had been done towards that individual (hear, hear). It was necessary, no doubt, that very extensive power should be vested in the Government of India, but some exercise of that power, beyond proper limits, might occur; some stretch of authority might arise; and he must add, that in the case of Mr. Buckingham, such a stretch had arisen (loud cries of hear, hear). He regretted to differ from those with whom he generally acted, but felt that he was called upon by a sense of duty, on an important review of the whole conduct adopted towards Mr. B., to vote for the motion of the noble lord.

The house then divided. For referring the petition to a committee, 43—Against it, 40—Majority, 3.

THURSDAY, MAY 11.—Lord John Russell moved that the committee to which Mr. Buckingham's petition was referred might be empowered to examine witnesses and send for papers, &c.

Mr. C. Wynn said, that he might now, with great propriety, move that the order which the house had made on a former evening on this subject, should be rescinded; and the ground upon which he should be justified in doing so was, that there had been no notice of the motion which the noble lord had carried. He (Mr. Wynn) had, at first, resolved to do so, but he had since abandoned his intention, because the case was one in which an individual complained of having suffered great hardship: if it had been of a different description, he should certainly have acted upon his original resolution. He did not now rise to oppose the motion; but as the noble lord, in forming a committee of sixteen, had taken only five members from his (Mr. Wynn's) side of the house, the other eleven being selected from the opposite benches, he should object to the addition of any more names to the committee.

Lord Milton supposed the reason of the right hon. gent.'s complaint was, that no opportunity had been given for sending round treasury notes on the occasion (a laugh, and hear, hear).

Mr. Hobhouse said, that so far from there

having been any intention on the part of his noble friend to take the house by surprise, he had himself requested his noble friend to put off the motion. He had no reason for doing so, but that he thought any other occasion would be just as favourable to its success as that on which it was made. He could not sufficiently express his surprise at the intention which the rt. hon. gent. (Mr. Wynn) avowed. If he had carried it into execution, what would be the inference of the country? The most ardent reformer that ever lived would not wish that a more striking picture of the state of the representation should be held up to the country. Because the benches on the rt. hon. gent.'s side of the house were not so well filled as usual, any motion which happened to be made at that time was afterwards to be rescinded. Would it be openly insisted, that if by an accident,—a rare one, it must be confessed,—they, on that side of the house, succeeded in carrying a question, it was afterwards to be decided over again at an opportunity which ministers might think more favourable? He did not see why this question differed from any other, or why it required any more notice than the corn question, which had been so lately proposed.—After some further conversation on this point,

Lord J. Russell said, that he considered the course which he had adopted to be as regular as any other which could be pointed out. He saw no reason why he should adopt a course which would enable ministers to issue their summons to individuals in that house who were the representatives of Downing-street (a laugh)—calling on them to give their vote on a question which they had not heard discussed. He thought it was always better to have a question decided by those who had listened to the discussion (which was the case in this instance) than by those who had not. Many persons voted in favour of the motion, who generally voted against the opposition,—a circumstance which of itself afforded sufficient proof that the question was not carried by improper means.

After some further remarks, the motion was agreed to.

On the motion of Lord John Russell, Mr. Abercrombie and Sir C. Forbes were added to the committee.

Mr. W. Wynn then moved that Mr. Stuart, Col. Baillie, Mr. Yates Peel, Sir E. H. East, Mr. Ross, Lord G. Somerset, Mr. Wellesley, and Col. Lushington, be added to the committee.

Lord Milton observed, that the parties now proposed were either in office, or connected with the East India Company, whereas, when the committee was appointed the other night, the names were taken alternately from both sides of the house, in order that the committee might be impartially constituted (cheers).

Lord J. Russell said that there were on the committee which was appointed on Tuesday evening, five persons, who were either Commissioners of the Board of Control, or East India Directors,—individuals who were certain to vote against Mr. Buckingham's claim. Of the other members of the committee, a considerable portion were gentlemen who sat on the opposition side of the house, and who were in favour of inquiry. The rt. hon. gent. had, however, introduced the names of a number of persons who had either places under the Crown, or who were connected with the East India Company. He was sure that the right hon. gent.'s ancestor, Mr. Speaker Williams, did he preside in the



Chair, would be ashamed of a committee thus partially selected.

Mr. Peel:—The noble lord (Milton) had stated that the members of the committee had been taken alternately from both sides of the house. Now, out of 16 names, 10 had been taken from the opposite side of the house; and one of the remaining six (Mr. Trant) had made a speech in favour of Mr. Buckingham. Two gentlemen who were favourable, he believed, to this claim, had since been added to the list, so that there was a balance of 13 against 3.

Mr. Scarlett observed, that if the object of this committee was fair inquiry, it certainly ought not to be filled up by those who had voted against such inquiry.

The names proposed by Mr. Wynn were then added to the committee.

### *East India Writers' Bill.*

THURSDAY, MARCH 16.—Mr. C. Wynn moved for leave to bring in a bill to suspend such part of the act 53 Geo. III. c. 155, as relates to the appointment of writers; and to remove doubts as to the payment of allowances of officers dying while absent from India. By the act of 53 Geo. III., no person could be appointed a writer who had not passed four terms at the East India College at Haileybury. Since the establishment of that college, from the extension of the Company's territories, and other causes, there had been a deficiency of persons qualified according to the directions of the act. The present establishment of the college did not admit of supplying the requisite number. His object, therefore, was to suspend the operation of the clause in the statute, in order that persons might be selected who had not passed their four terms, but who were duly qualified. He had no intention of insinuating a distrust of the system pursued at the college. He believed the system had fully answered its purpose; although, if the question related to the new constitution of the college, he should prefer its being assimilated to our existing Universities, as he preferred the plan of associating gentlemen in different studies to that of educating them exclusively for a particular profession.—As to the other point embraced in this bill, the act of 53d Geo. III. provided that certain allowances should be paid to officers, while absent from India, on account of ill health, for a period not exceeding three years; but beyond that time no allowance was granted. This was a considerable hardship on those officers whose state of health rendered it impossible for them to return to India within the prescribed period. By going back to India within three years, any of those individuals would be entitled to claim a certain allowance, under the act of Parliament. Many officers had done so in consequence of the state of the law before their health was completely established, and the consequence was, that they had fallen victims to disease. The object of the bill, in this respect, would be to give to officers going to the Cape of Good Hope or to Ceylon, on account of ill health, the same allowances as if they were in India, and also to provide for the payment of allowances on account of officers dying while absent from India on account of ill health.

Mr. Hume observed, that the *rt. hon. gent.'s* Sen. 1836.

speech cast, in his opinion, a strong, and by no means an unjust reflection on the Company's institution at Haileybury. The whole of the system on which that institution was founded was exceedingly injurious. The young men were shut out from all society, and they had no opportunity of acquiring any knowledge of the world. Year after year disturbances had taken place in that college, and the young men acquired any thing but that high tone of honour, principle, and public spirit, which they ought to imbibe to fit them for the high situations which they were destined to fill. He had often deplored the situation in which India was placed, in consequence of the formation of that establishment. Young men were sent out to act in the most important capacities, from a secluded monastery, in which they could acquire no knowledge of active life. Young men who had never mixed in English society—young men of twenty-two or twenty-three years of age—were raised to the rank of judges in the zillah courts, many of which had jurisdiction over a space larger than Yorkshire. No later than yesterday, a gentleman informed him that his son, a young man of not more than twenty-four years of age, had obtained one of those situations. For five successive years, attempts had been made in the Court of Proprietors to alter the system which prevailed as to the education of writers; but every attempt had failed. He was glad, therefore, that Government had at last taken up the subject. He hoped that the *rt. hon. gent.* would select some proper mode of examination, to which all individuals proceeding to India should be subjected. He wished those persons educated in the college, as well as those educated out of it, should be subjected to the same test. But some provision should be adopted, by which persons appointed to military situations would be compelled to acquire a certain degree of information in the language ordinarily spoken in India, before they went out there. He must express his decided conviction that Haileybury College would never answer the purpose for which it was intended, and the expense incurred by keeping up the establishment ought to be done away.

Sir T. Baring assented to the *hon. gent.'s* (Mr. Hume's) remarks; and expressed a wish that the *rt. hon. gent.* (Mr. Wynn) would make his alteration permanent.

Mr. C. Grant trusted that his *rt. hon. friend* would only make this a temporary measure. The complaints against Haileybury College rested on mere vague report. That institution had been opposed by the protectors of patronage—by those who obstinately adhered to the former system, and who were averse to any improvement, which they regarded as a dangerous innovation; and likewise by a certain class of the Company's servants in India, who conceived that it would militate to their prejudice. Much had been asserted about the disturbances and irregularities which occurred in that establishment. On this point he would only say, and he defied those who censured the college to the proof, that those disturbances and those irregularities were not greater in number or degree than were to be seen in other seminaries of the same magnitude. Men of great talent, and who were perfectly competent to form a just opinion on this subject, had expressed decided sentiments as to the defects of this institution. In 1810, Lord Minto spoke

highly of its usefulness; a few years after, Colonel Roebuck gave testimony of a similar character; and, finally, the Marquis of Hastings had expressed his approbation of the college in the most unqualified terms. If he were not mistaken, the Marquis of Hastings traced much of the proficiency in knowledge, and much of the efficiency which was displayed by the Company's servants in the discharge of their duties, to the terms which they were obliged to pass at Haileybury College. Some gentlemen were of opinion, that it would be sufficient for every purpose, if individuals going out to India were obliged to submit to some common test. There appeared, at first sight, something very plausible in this; but it should be observed, that this test on examination could apply to nothing but literature. It could have no reference to scholastic discipline, to moral character, or to propriety of conduct. Besides, gentlemen must feel how easy it was to procure a certificate of proficiency under such a test as had been alluded to. When individuals spoke of the proficiency which a young man ought to obtain before he proceeded to India, he took it that they adverted to the lowest degree of proficiency—to that which might be fixed as a *minimum*. Now, it was quite evident to him that that *minimum* would be both the *minimum* and the *maximum*. There would be no inducement for a young man to acquire any knowledge beyond that which was necessary to carry him through his examination. Where there was competition, as was the case at present, the result was very different. Now he begged to ask, what was to be done with the patronage of the East India Company, if the existing system were abandoned? Was it meant to throw open the writer-ships to all the young men of the country? Were they to be made the reward of successful competition? If so, the question must be argued on other grounds. At present those appointments were made by the directors, and were viewed, not as matters to be contended for, but as a vested interest which individuals had already obtained through their connexions. So far from its being looked upon as a thing that might be contended for, many cases could be adduced, where, even when some delinquency was proved, it had been considered a great hardship to deprive the student of that which had been promised to him. This was a very nice point to deal with. The present system, he conceived, was well calculated for sending out efficient servants to India; but if a better could be devised, be the expense of time or money what it might, he certainly would support it.

After a few words from Mr. Trant, who said, that from his experience of its effects in India, he did not think so highly of the education of this college,

Leave was given to bring in the bill.

FRIDAY, APRIL 28.—Mr. Wynn moved the order of the day for going into a committee on the East India writers' bill.

Mr. Denman said that the incompetency of the persons who had been formerly sent out to India to fill the situations in which they had been placed, had been the cause of the most serious mischiefs. It was in order to correct this evil that the East India College had been founded, and in his opinion the experiment had fully succeeded.

When he recollected that the college could boast of such names as Macintosh and Malthus, he could not but feel alarm at any proposed interference with it. He did not mean to say that misgovernment had not occasionally prevailed in it, and that the students had sometimes been guilty of excesses; but when it was recollected that these students were apt to consider themselves not merely as boys at school, but as persons having a vested interest in the situations which were procured for them by their friends, and which but for the institution of this college, they would then be in possession of, it was not surprising that they occasionally fell into these irregularities.

Mr. Trant could not assent to the assertion that the persons who were sent out to India previously to the institution of the college had been so ignorant and uneducated as they had been represented. The abuses which had taken place in India, had not arisen from any want of education, but from the different system which prevailed there formerly, to the one which prevailed at present. In his opinion, the civil service had been very little improved by the establishment of the college, which had totally failed to answer the purpose for which it had been founded.

Mr. Canning quite agreed with the learned member (Mr. Denman), that although, in former times, great men had appeared in India, yet the country had a right to expect that there should be some competent security for the instruction and education of those who were sent out thither. At the same time he might hesitate between the present and a more general plan of instruction; for he believed that for all the purposes which men could be called upon to execute, the English gentleman's education was decidedly the best (cheers). But there were no means of obtaining this desirable object except by the test of examination; and then there were partialities, and a thousand other impediments, to operate against the purity of such a test. With respect to the institution under discussion, it appeared to him, that under circumstances of peculiar difficulty, it had been conducted with eminent credit to those to whom its management was entrusted, and great utility to the public service. At the same time he must say, that if it were to begin over again, he could wish, that instead of having the establishment in the centre of a barren heath, remote from all society, it had been placed under the local supervision of one or other of the Universities (hear, hear). It was to be regretted; that the whole time of the students was devoted to their own studies, and their youth spent in the society of those with whom their future lives were to be passed; for it would be much preferable if they were mixed up with the other youth of England, who were to devote their lives to other pursuits (hear, hear). In giving his support to this bill, he felt it right, however, to declare that he was not at all actuated by any wish to get rid of the college.

Mr. Lushington said, that, having had two sons at Haileybury College, he was enabled to speak to the character of the education furnished there, and he must say, that the system appeared to him to be excellent. One of his sons was reported to be qualified for the public service in seventeen days after his arrival in India, and the other in six months; and when young men were thus prepared, he thought it was the best



proof that the College fulfilled the purposes for which it was intended.

Mr. C. Wynn said, that there were only two plans by which the East India Company could obtain an adequate supply of efficient servants. One of them was to allow young men to qualify themselves elsewhere than at the College, and the other to increase the number of the young men educated there. Now this latter plan could not be immediately adopted, since it would take some time to erect additional buildings for their habitation, and the Company required an immediate supply of active servants. The first plan, therefore, must be acted upon for a time, and he conceived that much advantage might be derived from the competition which it would create among the promoters of the different systems of education for young men proceeding to India. He could not see any reason why a young man who had gone through the usual routine of a public school, and had afterwards applied himself at the Universities or elsewhere to the study of the languages of India, should not be equally well qualified for service in India with a young man educated at the college. He could not forget that one of the Company's most able servants, Warren Hastings, had been educated at Westminster school in the same form with Lloyd and Churchill, Colman and Cowper; and that he had retained the love of literature which he had imbibed there in his youth, amidst all the active pursuits of his maturer life. He agreed with his right hon. friend (Mr. Canning) that it would be desirable to connect the college with one of the Universities. He proposed to pass this bill only for three years, in order that it might be reconsidered at the end of that time, when the house had obtained further knowledge and further experience on the subject.

Several verbal amendments were then made in the committee, and the bill subsequently passed.

### *War in India.*

WEDNESDAY, APRIL 26.—Mr. Hume wished to know from the president of the India Board, whether he was prepared at this late period of the session to lay before the house any papers relating to the unfortunate occurrence at Barrackpore? He also wished to know whether the right hon. gent. was prepared to enter into any statement, or to submit any documents relating to the progress made in the unfortunate war which we were now carrying on against the Burmese?

Mr. C. W. Wynn said, that with regard to the first point, he thought it inexpedient to make any communication to the house. As to the second, Government had received despatches respecting the occupation of the island of Shappoorce, which he intended to lay before the house.

Mr. Bright thought that it was strange that this war should have been carried on so long, and so complete a silence observed in that house with respect to it. The only information which reached the country on the subject, was derived from the ordinary channels of public communication; and if any reliance was to be placed on the accounts thus published, the state of our affairs and of our army in that part of India was dreadful. He hoped that the session

would not be allowed to close without full details being given on the subject by Government.

Mr. C. W. Wynn said, that the public were not left without information as to what was passing in India, for copies of the despatches detailing the progress of the war, had been published in the *Gazette* in the usual way. It was true that some of our troops had suffered severely by the effect of the climate, but for this no blame could be attached to the Government of India.

Lord J. Russell observed, that it was the duty of the house to obtain information on this point from his Majesty's ministers. Without entering into any examination as to the cause, he could not help remarking that the present Government of India did not inspire that respect or confidence which had so eminently characterized the government of Lord Wellesley and Lord Hastings.

Here the subject dropped.

### *East India Naval Force Bill.*

FRIDAY, APRIL 28.—On the order of the day being moved for the second reading of this bill,

Mr. Bright said that he would take this opportunity of making a few observations on the indifference with which all subjects connected with India were treated by the people of England. The government of a hundred millions of people was entitled to the most serious consideration. One reason of that indifference was, that the Commons of England had no opportunity of examining minutely into the matter, for want of the information necessary to enable them to understand it. At present the generality of the people of England knew nothing of the affairs of India but what they learned from the *Gazettes*, and even there the intelligence was sometimes printed from copies which were not official. He knew that the measure before the house was not to be recommended on the score of economy. The house would be told that the East India Company was rich. He hoped it was so; he hoped that they should hear nothing of loans from the native Princes either forced or voluntary, for the purpose of carrying on the wars. But the money was not the only consideration the house ought to be influenced by. The power of granting money enabled the house to exercise that salutary control over all political matters which was the real preservation of the country. If this should once be abdicated, the house would commit the greatest possible fault by withdrawing from the public that knowledge and interest which was excited by the expenditure of the national money. He should, therefore, oppose the bill, and at some more convenient opportunity take the opinion of the whole house on the subject.

Mr. Wynn said, the bill was introduced in consonance with the system on which the affairs of India had been managed for the last forty years, which was, that all expenses arising out of wars in India should be defrayed out of the Company's territorial revenues. The public would be put to no expense whatever by the bill.

After a few words from Sir J. Newport and Mr. Astell, the bill was read a second time, and passed May 6.

## FINANCE AND TRADE.

*The Budget.*

MONDAY, MARCH 13.—The house having resolved itself into a committee of ways and means, the *Chancellor of the Exchequer* spoke as follows\* :—

"Mr. BROGDEN.—Although, sir, the circumstances under which we are now called upon to review the situation of our finances, differ in some material respects from those which existed at the corresponding period of the last year, yet there is nothing, in my mind, in the present aspect of public affairs, which ought to create either alarm or despondency. There may be grounds, and no doubt there are grounds, for much of individual sympathy for the severe distress which recent events have brought upon many classes of the community; and it is impossible that the causes which have tended to produce that distress should not, at the same time, be accompanied by much public inconvenience and embarrassment. But, sir, I think I may venture to say, that the violence of the storm has passed away; that the clouds which impended over us have begun to disperse; and that, by the very conflict of the elements, the atmosphere has, to a certain degree, been cleared and purified. If, indeed, there were any thing doubtful in the situation in which we now stand, and in the difficulties by which we have been so recently surrounded;—if there were any thing obscure or mysterious in their nature;—if they had arisen from causes beyond our comprehension;—then, indeed, there might be much more reason for uneasiness than appears to me to exist at the present moment. But in all the discussions which have taken place in parliament upon this subject in the course of the present session,—although there has undoubtedly been a great difference of opinion as to the precise extent to which different causes may have operated to produce certain results, there has prevailed among us, I think, but one sentiment as to the general nature of those causes, and as to their general operation in producing such consequences. I confess, therefore, that to my mind, this circumstance is a source of no ordinary consolation. In the course, however, of these discussions, there has been, in my opinion, a great deal of very unnecessary contest between those who are sneeringly denominated philosophers, and those who designate themselves by the more humble title of practical men. I call it "unnecessary contest," because I consider it to be the bounden duty of the legislature to endeavour at all times to render available the sound reasoning and theory of one class, by applying to them the practical experience of the other. It is only by a just application of the lessons of experience to the development of sound principles, that parliament can be enabled to determine upon its course;—it is only by a judicious combination of these, the two elements of all wise conclusions, that the house and the public can be empowered to form a just estimate of the situation in which the country may be placed, and to arrive at an accurate and satisfactory decision. But, if those who have to prepare their minds for the consideration, or for the determination of subjects of this nature, are to

be told that books must be thrown aside, and elementary reasoning rejected, I know not at what fountain they are to drink, if they are to be driven from those springs where science and knowledge are the presiding deities. And, sir, when we find that in every class of the community knowledge has extended, and is extending itself to a degree, which but half a century ago, would have been deemed impossible, are we who sit here, some of us as the ministers of the Crown, and all of us as united in the important act of legislating for a great country,—are we, I ask, to be behind-hand in availing ourselves of the increasing lights of human intelligence? Is it not, on the contrary, our duty to struggle to be foremost in the race (hear, hear)? Knowing, as we do, that the progress of human knowledge must, in the first instance, be gradual and limited, it is our business to take care that, instead of being outstripped, we lead the way; and, by assisting the judgment of our countrymen, enable them to avoid the errors into which they might otherwise fall, in regard to those great questions which so nearly affect their own, and the national interests. I am aware, sir, that there are some persons who think this general diffusion of knowledge the misfortune of the age; but, for my own part, I confess that I cannot conceive how that mind can be constituted which contemplates the progress of human knowledge with an eye of fear (cheers). On me it produces an impression diametrically the reverse. I am convinced, that the more accurately the mass of the people is informed, the more they are in a condition to see and comprehend what is essential for their good, and the means by which that good is to be attained; the more likely are they to abstain from the use of means which would be prejudicial in their operation, and which would be calculated to prevent, rather than to forward the attainment of the good which they naturally desire to possess. If then, all men (I was going to use that despised term, all philosophers) are agreed in the maxim, that "knowledge is power," the general diffusion of knowledge becomes of incalculable value to a nation; for if, with reference to our present difficulties, and to all difficulties of a similar kind in which we may be placed hereafter, we find the people at large, if we find the legislature in accordance with the people, and if we find the government in accordance with the legislature—all building their conclusions on sound principles, all proceeding on the foundation of correct reasoning, I confess I think we may treat with comparative indifference the recurrence of the dangers by which we have lately been assailed; partly, because the chance of their recurrence will be diminished, and partly, because, if they should recur, we shall know better how to meet them.—Sir, it is under these circumstances that we are called upon to look at the situation in which our finances now stand, and to consider what are the prospects of the country for the future. I think, however, that before I can satisfactorily proceed to explain the view which his Majesty's Government takes of what it is fitting to do under existing circumstances, I ought to recal the attention of the committee to the course which has been pursued with respect to our financial system during the last two or three years. And I am the more anxious to do this because I have been reproached,—and reproached in no very equivocal terms,—with having, on former occasions, used warmer lan-

\* Reprinted chiefly from "Speech of the right hon. F. J. Robinson, &c."—London: Hatchard, 1826.



guage than I ought to have used, and with having contributed by that language to the production of much of that mischief which we all so deeply deplore. Sir, it may be true, it undoubtedly is true, that in adverting to the situation of the country in the last few years, daring which it has been my lot to have any concern in matters of this kind, I have used strong expressions of congratulation. It is true, I say, that, on such occasions, I have described the country as in a condition of prosperity. And, sir, I do not now regret that language; I do not now depart from that declaration; for surely the country is not to be considered in a state of decadence because some untoward circumstances may have occurred, to interrupt her progress, and even throw her back, for the moment, in her course. But this I will venture to add, that however I may have erred in the terms which I have employed; however, from the delight which every honest man must feel in seeing his native land flourishing and happy, I may have congratulated the house on the result with more of earnest warmth than of calculating hesitation, I have, in no case, stated any thing as fact but that which was strictly true: and, I think I can satisfy the committee, upon a reference to what I have led them to expect during the last three years, and to the results which have actually ensued, not only that I have not intentionally deceived the country (though that, indeed, has, I believe, not been imputed to me) but that no deception at all has been practised.—When, in 1823, it first became my duty to submit to the house a view of our finances, I ventured to assume that, in the course of that year, a certain amount of revenue would be realized; and allow me to ask,—What was the result? It was found that my estimate, not formed upon any over-confident anticipation of improvement and increase, but upon the plain and simple basis of the revenue which had been already received, was far below the actual amount. I assumed, in that year, that the Customs, the Excise, the Stamp Duties, the Assessed Taxes, and sundry miscellaneous items, would produce an income of 52,200,000*l.* In the course of that session, we repealed taxes to the amount of about 3,200,000*l.*; of that sum I calculated that about a million and a half would be lost to the revenue in the course of 1823; so that, in point of fact, my original estimate would have been borne out, if the receipts had been 1,500,000*l.* less than 52,200,000*l.* Now, what was the result? Why, that the actual revenue, after sustaining the loss that I have mentioned, amounted to 52,017,000*l.*; being less by 183,000*l.* only than my first estimate; and exceeding, by 1,318,000*l.*, what would have been sufficient to realize my anticipations, after the reduction of taxes had been adopted. In regard to the year 1823, therefore, it is clear that I held out no expectations which were not justified by the event. And if the committee will examine the accounts for the following year, they will be led to the same conclusion. In the year 1824, I estimated the probable produce of the revenue at 51,265,000*l.* In the course of that session, however, taxes were repealed to a very considerable amount; and I calculated that the loss which the revenue would immediately sustain in consequence, would be 630,000*l.* But what was the fact? The actual receipts of the year, notwithstanding such a reduction of taxes, were considerably beyond the original estimate which I had formed: for, the estimate

being 51,265,000*l.*, the actual produce was 52,562,000*l.*; being an excess of nearly 1,300,000*l.* Again, in 1825, I assumed that the revenue derived from the same sources would be 51,975,000*l.* From the repeal of taxes, subsequently enacted, I expected that in the course of that year the loss upon that assumed amount would be about 630,000*l.* Yet, the actual receipt, notwithstanding the defalcation occasioned by that cause, and by the commercial difficulties and pressure that began to be felt at the latter end of the year 1825, was 52,259,000*l.*; or, 284,000*l.* above my original estimate in the statement of the Budget; an estimate founded upon an hypothesis which had no reference to any reduction of taxes in the course of that year.—The result of all these statements is this:

|                             |                      |
|-----------------------------|----------------------|
| Estimated revenue for 1823, | 52,200,000 <i>l.</i> |
| 1824,                       | 51,265,000 <i>l.</i> |
| 1825,                       | 51,975,000 <i>l.</i> |

Total, 155,440,000*l.*

|                               |                      |
|-------------------------------|----------------------|
| Actual receipt for .... 1823, | 52,017,000 <i>l.</i> |
| 1824,                         | 52,562,000 <i>l.</i> |
| 1825,                         | 52,259,000 <i>l.</i> |

Total, 156,838,000*l.*

It thus appears, that in those three years the actual receipts exceeded the estimates by the sum of 1,398,000*l.*; notwithstanding the concomitant repeal of no less than 8,000,000*l.* of taxes. I say, then, and I say boldly, that I have not erred as to facts; and that I have not been guilty, even involuntarily, of deluding the country by the language which I employed.—Allow me, sir, here to advert to another point, to which it is material that the attention of the committee should be called. I have already stated, that in the course of the three years to which I have been alluding, taxes to the amount of 8,000,000*l.* were repealed. But I think I should give a very imperfect view of the situation of our finances, and of what has been done in respect of them, if I did not request the committee to go back with me a little further, namely, to 1816, when, after winding up all the expenses of the war, parliament was enabled to establish and pursue something like a systematic diminution of our burthens. It is very material, sir, that this subject should be adverted to, because it has been argued in the course of the present session, that in fact the reduction in the burthens of the people, which has been made since the conclusion of the war, is not worth speaking of; that it is but a feather in the scale, opposed to the general amount of our expenditure; and that it has not been more than sufficient to balance the difference which has taken place in the value of our currency. It has also been maintained, that it is impossible for us to return to a more sound currency (for the purpose of returning to which, measures have lately been, and now are, under the contemplation of parliament)—that that perilous experiment, as it is described to be, cannot safely be hazarded, unless his Majesty's ministers are prepared decidedly and essentially to curtail the whole expenditure of the empire at once, inasmuch as it would be impracticable to effect the amelioration of our currency, and at the same time continue to levy the amount of taxation of which the exchequer is at present in the receipt. Sir, I consider these two propositions to be wholly unfounded in

fact and in reasoning. I think I shall be able to show the committee, that there is no ground whatever for the assertion that we have done nothing,—or rather that we have not done enough. When I say that we cannot justly be charged with not having done enough, I do not by any means wish to be understood that we ought to stop in the course of reduction, where we are; that is far from being my view, or my feeling, on the subject; but I am prepared to prove, that there is no truth in the statement, that we have been doing little or nothing; and just as little in the assertion, that the melioration which we are endeavouring to effect in our currency is inconsistent with the present scale of our expenditure, and the present amount of our taxation.—Adverting, in the first place, to the reduction which has taken place since 1816, I will state to the committee the precise process of the reduction which originated at that period,—the different items on which it has been made—and the principles by which it has been regulated. And, when I have made this statement, I think the committee will see that parliament has not been asleep upon its post; that it has not neglected the great duty—for a great duty I must always consider it—of endeavouring, in a time of peace, to relieve the people, as much as possible, from the oppressive burdens which have been unavoidably imposed during the continuance of war. In 1816 (the first year in which any reduction of taxation took place), the property tax was repealed. I know very well, sir, that the repeal of that tax was effected contrary to the opinion and recommendation of his Majesty's Government. It is undoubtedly true, that under the circumstances of the time, Government was desirous that the property tax should be continued for two years longer. The house thought otherwise; they thought it ought to be repealed immediately, and repealed it was. It is not my purpose now to inquire whether Government was right in proposing to retain it, or the house in resolving to take it away; but, at all events, the people gained the advantage of the repeal of a tax, the annual amount of which was no less than 14,320,000*l.* In the same year, the war malt duty of 2,790,000*l.* was abandoned; and further relief was afforded, in the diminution of war-customs, duties on tonnage, and coasting duties, to the extent of 828,000*l.* To these are to be added, 35,000*l.* arising from a small reduction of the assessed taxes in Ireland, and 315,000*l.* from the diminution of the duty on malt and spirits in the same country. The total amount of taxation thus repealed in 1816, was 18,258,000*l.* In 1817, partial relief, under the heads of shop-windows, husbandry, horses, &c. was afforded, to the extent of 280,000*l.* In 1818, various assessed taxes were reduced in Ireland, to the amount of 236,000*l.* In 1819, the policy pursued by Parliament was of a different character; and a very considerable addition, to the amount of 3,190,000*l.* was made to the taxation of the country. In 1820, no alteration whatever took place. In 1821, the repeal of the agricultural horse tax lessened the burdens of the farming class of the people by 480,000*l.* In 1823, the duty upon malt was reduced one shilling a bushel, and the public were relieved thereby to the amount of 1,400,000*l.* Nearly the whole of the impost upon salt was also removed, being a reduction of 1,295,000*l.*; there was likewise a reduction of half the duty upon leather, 300,000*l.*; the tonnage duty, 160,000*l.*; and the tax upon

hearthths and windows in Ireland, 800,000*l.*;—so that the total amount of taxes repealed in the year 1822 was 3,355,000*l.* In 1822, various assessed taxes in England were repealed, to the amount of 2,250,000*l.*; whilst the relinquishment of the whole of them in Ireland, saved the inhabitants of that country the payment of 100,000*l.* Added to this, was a reduction of the duties on spirits, both in Ireland and in Scotland, to the extent of 800,000*l.*; and a reduction of 50,000*l.* in several minor branches of the customs. The total relief in 1823, therefore, was 3,200,000*l.* In 1824, the following duties, to the following amount, were diminished: viz. on rum, 150,000*l.*; coals, 200,000*l.*; law stamps, 200,000*l.*; wool, 350,000*l.*; silk, 527,000*l.*; union duties, from 1822, 300,000*l.*; making a total of 1,727,000*l.*—The total repeal in 1825, was not less than 3,146,000*l.*; and it was produced in the following manner:—by the relinquishment of the remainder of the salt duty, about 200,000*l.*; of the duty on hemp, 100,000*l.*; on coffee and cocoa, 150,000*l.*; on wine, 900,000*l.*; on British spirits and rum, 1,250,000*l.*; on cyder, 20,000*l.*; on assessed taxes, 276,000*l.*; and, finally, on customs, in various minor articles of commerce, 250,000*l.*—Thus, sir, it appears that the grand total of taxes repealed from 1816 to 1825, amounts to the sum of 30,712,000*l.*; from this, however, must be deducted the sum of 3,190,000*l.*, being the amount of taxes imposed in 1819, for the purpose of establishing an efficient sinking fund: but, taking that sum from the total of 30,712,000*l.*, it will leave 27,522,000*l.* as the clear remission of taxation since 1816. Now, sir, I say with confidence, that the repeal of 27,522,000*l.* of taxes, is a substantial and important relief to the country; and that it is impossible for any man in his senses to argue, that this large remission of duties has not mainly contributed to that increased consumption which has itself augmented the revenue. It is very true, that in 1816, if the rates of exchange with foreign countries be taken as the criterion, the value of the currency was depreciated, perhaps to the extent of 5 per cent.; so that the whole reduction of taxes which, as I have stated, took place in that year, cannot perhaps be looked upon as a clear reduction, since a part of it might be necessary, in order to meet the rectification of the circulating medium; if the depreciation were 5 per cent., then, upon the actual amount of taxation in the year in which it occurred, namely 61,000,000*l.*, that portion would amount to about 3,000,000*l.*; and if we deduct this 3,000,000*l.* from the 27,522,000*l.* of taxes remitted, it will leave 24,522,000*l.* as the actual reduction of the burdens of the people, since 1816. And, when I assert and prove that actual relief has been afforded to this extent, I know not that it is necessary for me to argue, *à priori*, that it has done good; because I apprehend that the common sense of every man must demonstrate to him that that must be the inevitable consequence. Let us, however, look at it a little in detail; if we deduct the 24,000,000*l.* from 58,000,000*l.* (which would have been the amount of the revenue, after deducting the sum of 3,000,000*l.*, to which I have before alluded), the result would leave only 34,000,000*l.* as the produce of the revenue; but the actual receipts of 1825, notwithstanding all the diminutions which I have been describing, were not less than 52,000,000*l.* And how have the 18,000,000*l.*, the difference between the two sums, been ob-



tained?—solely from the greater means which the people have possessed of consuming the various articles upon which taxes are levied: and if, sir, we were to try this question by the test of the feelings of the people who had to pay the taxes, I ask whether we should not find that the remission of them had given the freest satisfaction? I see in his place the hon. member (Mr. Calcraft) who so actively and successfully exerted himself to effect the repeal of the duty on salt. The ground which that hon. gent. stated, and truly and clearly stated, for that repeal, was, the severity with which the duty upon salt pressed on the poor man. Ask the poor man, now that he has no duty to pay upon salt, whether, when he comes to sum up the amount of the charges for his maintenance and comfort, he does not feel better satisfied, and more at his ease? He will tell you that he is greatly obliged to the hon. member for having been the means of inducing the house to repeal that tax. I should like, sir, to ask the 171,000 persons who were last year relieved from the payment of the house-tax, or the 635,000 persons who were last year exempted from the window-tax, if they have derived no practical benefit from those reductions, and if they do not feel grateful to parliament for having made them (cheers). I should like to ask them, whether they agree with the hon. member for Aberdeen (Mr. Hume), that nothing has been done for their relief, either by his Majesty's Government, or by the legislature; and whether they feel, as that hon. member would fain persuade them that they ought, that as much money is now taken out of their pockets in the shape of taxes, as was the case before those reductions took place (cheers). I should like to ask them whether they agree with the hon. gent. that their feelings and wishes have been set at nought; and that his Majesty's Government can think of nothing but plunging into some wanton and extravagant expense, for some wretched and trumpery purpose of patronage! I declare most sincerely, that if there be any thing uppermost in my mind in the consideration of these matters, it is an earnest desire to lay aside all thoughts of mere official interest and patronage. In considering the expediency of the abolition of any particular tax, the miserable question of patronage has never crossed my mind. It has never occurred to me to ask myself, "What will be the consequence, if Government should lose this or that source of influence?" No doubt, sir, that, in many respects, it would have been very agreeable to me, personally, if a different system had been pursued, and if the patronage of his Majesty's Government had not been cut down as it has been. I have many friends upon whom I should have been exceedingly glad to confer some convenient appointment (a laugh). But, when applications have been made to me on such a subject, I have felt no difficulty in saying, "I am really very sorry, but I have nothing to give you; we have no spare offices, and no spare money; we have reduced every thing to the lowest point; we cannot put any individual into a public situation who is either too old, or too young, or too idle, to do his duty. I can recommend to an office under Government only the man who is competent to fill it properly; if you are not competent, I am very sorry for it, but you cannot come in" (laughter). This is the language which I and others invariably hold on such occasions; and the consequence has been, that I

believe it is agreed, on all hands, that the efficiency of the public service, in every department, was never more complete than at the present moment. Allow me also to say, sir, that, during the period to which I have been referring, the permanent burdens of the country—I mean those connected with the debt of the country—have been materially reduced. But, before I touch upon that point, it may be satisfactory to the committee to know a little in what ratio the power of consumption in the country has increased since the year 1816; and here I shall be able to shew, beyond the possibility of dispute, that the fears of such as assert that the country cannot go on without the adoption of some undefined and unintelligible change in our present system, are perfectly visionary. I have in my hand a list of a great variety of articles paying duty, with a comparison of the amount of those articles on which duty was paid in 1816, and the amount on which duty was paid in 1825. From this list I find that the increase has been in the following ratio:—

|                              | Per cent. |
|------------------------------|-----------|
| Auctions - - - - -           | 64½       |
| Beer - - - - -               | 16½       |
| Bricks - - - - -             | 188       |
| Candles - - - - -            | 36½       |
| Licences - - - - -           | 36        |
| Paper - - - - -              | 51½       |
| Printed Goods - - - - -      | 110½      |
| Hard Soap - - - - -          | 113½      |
| Soft Soap - - - - -          | 121½      |
| Tea - - - - -                | 20½       |
| Crown Glass - - - - -        | 95½       |
| Green Glass - - - - -        | 10½       |
| Flint Glass - - - - -        | 104       |
| Plate Glass - - - - -        | 108½      |
| Leather - - - - -            | 29        |
| Malt - - - - -               | 50        |
| British Spirits - - - - -    | 53½       |
| Foreign Spirits - - - - -    | 81½       |
| Butter - - - - -             | 317½      |
| Sugar - - - - -              | 19        |
| Tallow - - - - -             | 201       |
| Timber - - - - -             | 196       |
| Deals - - - - -              | 182½      |
| Coffee and Cocoa - - - - -   | 43        |
| Hemp - - - - -               | 74½       |
| Rum, a decrease of - - - - - | 12½       |
| Raw Silk - - - - -           | 274½      |
| Thrown Silk - - - - -        | 180       |
| Tobacco - - - - -            | 13½       |
| Wine - - - - -               | 88        |
| Sheeps' Wool - - - - -       | 443       |
| Cotton Wool - - - - -        | 119       |

Hon. gents. may exclaim, "Do you mean to say that the increase of consumption is to be taken strictly in that extravagant ratio; as upon wool, for instance, at 443 per cent.?" I answer, certainly not; but I produce this document to show that there is that progressive power of consumption in this country which is indispensable to her greatness, and which forms the most convincing proof of the inherent vigour which has hitherto enabled her to meet and overcome difficulties the most formidable, and on which I confidently rely for similar success in future.—I will now return to what I was about to state with regard to the public debt. Whilst we have been decreasing the pressure of taxation, to the amount of 27,522,000l. since 1816, and of 8,000,000 since 1823, we have not been inattentive to the permanent burdens of the kingdom. In this part of my statement, I will advert only to the transactions of the last

three years, because it was not till 1823 that the present arrangement of the sinking fund was carried into effect. On the 5th Jan. 1823, the public funded debt amounted to 796,530,000l.; on the 5th Jan. 1826, it amounted only to 778,128,000l.; being a reduction in the three years of 18,402,000l.; which is at the rate of nearly 6,134,000l. per annum.—I will now direct the attention of the Committee to the unfunded debt. On the 5th Jan. 1823, the unfunded debt was 36,281,000l.; on the 5th Jan. 1826, it was 31,703,000l.; being a reduction of nearly 4,578,000l. The total charge—and that is the only true way of looking at the subject, for all that we are interested in knowing is, not what is the nominal capital of the debt, but what it costs us annually—the total charge (including the charge for management) on the 5th Jan. 1823, was 28,123,000l.; the total charge of the unredeemed funded debt, on the 5th Jan. 1826, was 27,117,000l.; being a reduction on the charge of the funded debt of 1,006,000l. The interest on Exchequer Bills, during the same period, was reduced from 1,100,000l. to 820,000l.; being a reduction of 280,000l. The total charge of the two descriptions of debt was, on the 5th Jan. 1823, 29,286,000l.; on the 5th Jan. 1826, only 27,946,000l.; being a reduction of 1,340,000l. in the annual charge of the whole debt, in the course of three years. And yet the hon. member (Mr. Hume) says, that all this is nothing—that it is a mere feather in the scale—that it affords no substantial relief to the people! Now, sir, in my view of the case it is of no consequence whether this state of things has been produced by a sinking fund, or by a surplus, or by any other means. It is not the name of the thing, but the substance, that is important. If the nation pays less in this respect now by 1,340,000l. than it did in 1823, and if, at the same time, good faith has been preserved with the public creditor, and adequate provision made for the maintenance of the character, honour, and security of the country; if we have also been enabled to do much towards the extension of the benefits of religious instruction and worship to the poorer classes; if we have furnished the means of interior improvement, in the construction and repair of roads, bridges, harbours, and objects of that kind; if we have had something likewise to bestow on the promotion of the arts and sciences; and if, in three years, we have nevertheless repealed 8,000,000l. of taxes, and have reduced the annual expense of the debt considerably more than 1,000,000l., I say, fearlessly, that we have done something, and that we may boldly face our constituents, in whatever part of the country, and at whatever time, we may have to appeal to them for their suffrages.—Sir, I have just been alluding to that portion of our annual charge which has been diminished by a reduction of the charges of the debt. There is, however, another part of our expenditure, against which I have always felt inclined to wage the most unrelenting warfare; I mean, the expense attending the collection of the revenue. It is a subject which has often attracted the attention of the house; and I have never allowed it to go out of my sight. We have not been idle or inattentive on this point. In 1818 the expense of collecting the taxes of the United Kingdom was 4,353,000l.; in 1825 it was reduced to 3,832,000l.; being a diminution of no less than half a million. This was a great deal to do in the time. Considering that great changes in such matters cannot be accomplished all at once, let me say, that this

reduction of half a million affords, at least, *prima facie* evidence that we have endeavoured to do our duty. Nor, sir, let it be supposed that this was a very easy task. We have had many strong prejudices, many powerful interests, many deep-rooted habits, to contend with. I think I cannot give a better proof of the sort of feeling which we have had to encounter, than by adverting to what has been recently published to the world in the northern part of this island. It seems that the extinction of the two independent Boards of Customs and Excise in Scotland (and the same course has been pursued in Ireland), and their amalgamation with the central Boards in England, are to be considered by every true Scotchman as derogatory to his national dignity, offensive to his national pride, and subversive—Good God! of what?—Subversive of his prescriptive rights? When Antony, in the beautiful speech which Shakspeare puts into his mouth over the dead body of Cæsar, after an eloquent and pathetic description of the wounds under which Cæsar had fallen, exclaims, in a burst of passionate enthusiasm,—

“O what a fall was there, my countrymen!  
Then you and I and all of us fell down,  
And bloody treason flourished over us:”

the appeal was not more vehement, the passions of his auditors were not more keenly excited, than the appeal which is now made, and the fire which is now kindled, against the unfortunate author of the woeful tragedy which terminated the existence of two insignificant fiscal departments (loud laughter)! Sir, I could not imagine, at first, what was meant by all this indignation. I felt almost like “a guilty thing,” oppressed by the weight of some undefined offence. If I chanced to meet my noble friend at the head of the Admiralty, or any of my hon. friends who sit at the same Board, I hardly dared look them in the face. I felt confident that the denunciation was for some dreadful crime, but I knew not what; and I was left for some time in all the agony of doubt. At last, I had the consolation of recollecting that I had Scotch blood, and good old Scotch blood too, flowing in my veins; and was persuaded that I could never be insensible to the honour and dignity of that ancient country. But, sir, I confess that, when I have been passing in review all the signal triumphs which Scotland has achieved, in all that adorns, and ennobles, and benefits the human race; when I have been calling to mind the originality, the grace, and the genius of her poets; the eloquence, the accuracy, and the research of her historians; the elaborate lucubrations, and the profound discoveries of her philosophers; when I have been watching their progress as they respectively either traversed the delightful regions of fancy, or penetrated the depths and recesses of history and of science, I never thought of including among the worthies of Scotland, the members of her independent Board of Excise. And when I have been reading with grateful exultation of the heroic exploits of an Abercrombie, a Moore, a Lynedoch, and a Hopetoun; when, two years ago, it fell to my lot to propose to this house to do an act of tardy justice, by proposing to vote a monument to the memory of Lord Duncan; I certainly never dreamt that the honour of Scotland would be tarnished, if in the same year I transferred the seat of the Board of Customs from Edinburgh to London. I always thought that



the honour of Scotland rested on a more solid basis. I thought that the glory of the great men who have adorned the annals of that country, would have shone with perennial light, if the Excise had never meddled with her whiskey, nor the Customs controlled her commerce; and I trust we may long continue to contemplate their lustre with instruction and delight, although her revenue boards have lost the affected importance of their imaginary independence, and have been swallowed up, O! dreadful catastrophe! in the all-devouring vortex of English uniformity (loud laughter). When, too, I am told, that the abolition of these and similar offices is something disrespectful to the what is called (not however by me) the impoverished nobility of Scotland, I think that if I were a real Scotchman, I should be too proud to admit that the honour of the ancient lineage of that ancient kingdom would be diminished, because the Government had less patronage to offer, and her nobility less of emolument to covet (cheers). These measures, dictated alone by the necessity of judicious retrenchment, may indeed be represented as punishments inflicted on an innocent and unoffending people, and the wrath of Scotland may be denounced against their author; but, as long as I am armed with the consciousness of seeking to diminish the burdens, and to increase the happiness of the people, I can look without terror upon the flashing of the Highland clay-more, though evoked from its scabbard by the incantations of the first magician of the age (loud cheers).—I shall now, sir, proceed to the subject more immediately under our consideration, and call the attention of the committee to the financial condition of the country for the present year. I have already stated to the committee the great extent to which taxation has been diminished; I have stated the benefit which I am sure the country must have derived from the reduction; I have also shown how, out of that very reduction itself, may arise the means of carrying the benefit still further; and I shall now proceed to detail the estimate for the present year, 1st, as respects the charges, and 2dly, the means by which I propose that those charges shall be met. The expenses are divided into two parts, viz.—the permanent charges, and those which are the subject of annual votes; and as of the latter, a considerable portion has already been sanctioned by the House, I do not think it will be necessary for me to trouble the committee with any comments or details respecting it. But the general heads of the two branches are as follows, viz.—

|                                                                                                                             |              |
|-----------------------------------------------------------------------------------------------------------------------------|--------------|
| Interest and Management of the Public Debt - - - - -                                                                        | 27,117,186l. |
| Interest of Exchequer (deficiency) Bills - - - - -                                                                          | 50,000l.     |
| Civil List, and Pensions of a permanent nature, charged on the Consolidated Fund, and not the subject of an annual vote - - | 2,065,000l.  |
| Half-pay Annuity - - - - -                                                                                                  | 2,800,000l.  |
| Sinking Fund - - - - -                                                                                                      | 5,585,235l.  |
| Permanent charge on Consol. Fund                                                                                            | 37,617,421l. |

The annual votes this year in the Committee of supply are as follows:—

|                |             |
|----------------|-------------|
| Army - - - - - | 7,747,000l. |
| Navy - - - - - | 6,135,000l. |
| Szsa. 1826.    |             |

|                                 |             |
|---------------------------------|-------------|
| Ordnance - - - - -              | 1,751,000l. |
| Miscellaneous - - - - -         | 2,225,000l. |
| Interest of Exchequer Bills - - | 850,000l.   |

|                          |              |
|--------------------------|--------------|
| Annual Votes - - - - -   | 18,711,000l. |
| Add the Permanent Charge | 37,617,421l. |

The whole expenditure of the year 56,328,421l.

I now, sir, proceed to state the revenue upon which I calculate to meet this expenditure:—

|                                                                                                                                                                                                                                            |              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| A small item, being the surplus of last year beyond the demand of the Sinking Fund, which I consider myself entitled to make available towards the expenditure of the present year - - -                                                   | 167,000l.    |
| Customs and Excise; which I take together, on account of the transfer to the Customs of a large proportion of the duties formerly collected by the Excise; and the impossibility of separating the items without great confusion - - - - - | 37,446,000l. |
| Stamps - - - - -                                                                                                                                                                                                                           | 7,400,000l.  |
| Taxes (including the Assessed Taxes) - - - - -                                                                                                                                                                                             | 4,800,000l.  |
| Post Office - - - - -                                                                                                                                                                                                                      | 1,550,000l.  |
| Miscellaneous - - - - -                                                                                                                                                                                                                    | 1,360,000l.  |

The total Income from these sources - - - - - 52,723,000l.

Payment from the Trustees of Half-pay and Pensions - - - 4,320,000l.

The whole Receipts of the year 57,043,000l.  
Deduct the Expenditure - - 56,328,421l.

Surplus for Parliament to deal with as they may think fit - } 714,579l.

Having thus stated the revenue on which I calculate to meet the expenditure of the present year, it is fit that I should state the grounds of that calculation. It may appear to the committee that, under all the existing circumstances, I am now looking to a receipt higher than that which I have a right to expect; but I will distinctly specify the reasons which induce me to believe, that the amount on which I calculate will be realized. I begin by laying down, as the basis of my estimate, the actual receipt of the past year; making, afterwards, such variations as circumstances may appear to require. The actual receipt of the Customs and Excise, for 1825, was 37,546,000l. But this sum would have been much larger, had it not been for various occurrences which happened in the course of the year, and which affected those branches of the revenue to an extent much greater than I had anticipated; occurrences which cannot again take place. I allude, principally, to the amount repaid, in consequence of the reduction of the wine duty, to the holders of the stock on hand. This was no less than 1,050,000l.; a formidable sum; and much more, as I have already observed, than I conceived it would be. Since, however, it arose from a cause of only casual occurrence, and since there can be no operation parallel to it upon the Customs and Excise of the present year, I am entitled to assume, supposing no other circumstance interferes to reduce the net receipt of the revenue

ne, that this sum of 1,050,000l. would be receivable in 1826; that is to say, that it will not be abstracted from the gross revenue of Customs and Excise in 1826, as it was in 1825. I calculate, also, upon a small addition to the receipts of the present year, arising from the further operation of those measures for getting rid of divers useless or mischievous bounties, which my rt. hon. friend (Mr. Huskisson) introduced so beneficially for the commerce of the country, in the last session of parliament. I take the amount of these to be about 50,000l. There was also another circumstance which most unexpectedly affected the revenue of last year. The committee is aware that, in the course of the last session, there was carried into effect one of the most extensive alterations and amendments ever made in the laws of the Customs. Several hundred acts of parliament relating to them were, by the laborious and joint exertions of an hon. friend (one of the Secretaries of the Treasury), and of the gentlemen who were associated with him in the task of getting rid of so multifarious and inconvenient a system of legislation, reduced to about six clear and intelligible statutes. In the accomplishment of so great a work, it is not wonderful that some minor errors should have crept in and escaped detection; and it so happened that by one of those minor and venial errors, the revenue has been affected in a way for which we were not quite prepared. The duty on Tobacco, which, at the beginning of 1825, was four shillings a pound, and which was meant to be continued at that rate during the remainder of the year, was so dealt with in one of these new acts, that, by some strange mischance, one shilling of it lapsed on the 5th July; so that for one half of the last year, that is to say, from the 5th July, 1825, to the 5th Jan. 1826, the duty on Tobacco has been reduced from four shillings to three shillings a pound. This accidental omission has cost the revenue 450,000l. But, I am entitled to assume that, unless it should be the pleasure of the house to confirm permanently this temporary diminution of the duty on Tobacco, that loss will not occur in the present year. The three items, then, to which I have alluded, are as follows:—

|                                                                                                                   |                    |
|-------------------------------------------------------------------------------------------------------------------|--------------------|
| Progressive reduction of Bounties                                                                                 | 50,000l.           |
| Wine Drawback, allowed last year to the wine merchants, but not to be deducted from this year's revenue - - - - - | 1,050,000l.        |
| Loss by the lapse of Tobacco duty - - - - -                                                                       | 450,000l.          |
|                                                                                                                   | <hr/> 1,550,000l.  |
| If to this be added the actual produce of the Customs and Excise in 1825 - - - - -                                | 37,546,000l.       |
|                                                                                                                   | <hr/> 39,096,000l. |
| We have a Total of - - - - -                                                                                      | 39,096,000l.       |

It is, however, obvious, that it would be quite preposterous in His Majesty's Government to calculate upon such a receipt as this, under the present circumstances of the country. I think it would be exceedingly imprudent to do so, as I am perfectly ready to admit, that such a receipt is not likely to be realised in the course of the present year. It is our duty, then, to see what deductions from this amount of 39,096,000l. we ought to calculate upon. In the first place, there is to be taken into the account a further loss to the revenue, arising from the

reduction of taxation last year; which further loss I estimate at 350,000l. The statement of the views of Government, in respect to the reduction of taxes, took place at so early a period last year, that the effect of them began to be felt almost as soon as they were announced. In point of fact, during three quarters of the last year, we experienced three quarters of the whole amount of the loss which I had calculated as likely to accrue from the operation of the reductions. I therefore imagine that we may lose in the present year, from the same cause, not more than the amount of loss on the remaining quarter; and I estimate it at 350,000l. I feel, however, that I ought to explain to the committee how it happens that, after having stated the total amount of reductions effected last year to be no less than 3,146,000l., I now, when speaking of the loss to be expected in one quarter, state it at no more than 350,000l. The reason is this: although the reduction of taxation, as estimated by a comparison with the previously existing rate, amounted to 3,146,000l.; yet, upon the principle that a judicious reduction of a high rate of taxation naturally leads to a great increase in the consumption of the articles taxed, I took the *actual* loss to the revenue at not much more than 1,500,000l., of which sum 276,000l. would fall upon the assessed taxes; so that 350,000l. being rather more than one-fourth of the *actual* loss assumed upon the customs and excise, is as much as we may expect to lose in 1826. I am, however, sir, very sensible that, under all the circumstances attending the late derangement and confusion of the money market, and the consequent stagnation of the external commerce and the internal industry of the country, it would be very unsafe to frame any estimate of the revenue of the present year, without making a fair allowance for a further loss, which may be expected to arise from diminished consumption. I have endeavoured to form, as well as I could, some sort of calculation of the amount at which that loss ought to be taken. It is, undoubtedly, very difficult to come to any such precise conclusion upon this subject, as can be satisfactorily exemplified at once by any mere statement of figures. It must depend upon such an infinite variety of considerations, that possibly no two persons, although working with the same materials, and reasoning upon the same principles, would arrive at precisely the same result. But, having already assumed that there will be a deficiency in the customs and excise of 350,000l., being the remainder of the loss occasioned by the reduction of taxation last year, I anticipate from diminished consumption a further loss of 1,300,000l.; which, notwithstanding the difficulty of coming to any precise decision upon the subject, I take to be as reasonable a view of the matter as can be taken under such uncertain circumstances. And I am confirmed in this view of the subject, when I refer to what has been the actual state of the excise revenue during the two first months of the present year, which were months of great pressure and great uneasiness, and during which the officers of the revenue were directed to abstain as much as possible from pressing inconveniently on those who were not in a condition to meet their demands,—a course of proceeding which we felt ourselves called upon by the severity of the distress in some districts to adopt.—Looking, then, to the general receipts



of the excise in Jan. and Feb., on all the articles in which there has been no alteration in the duties, and comparing them with the receipts in the corresponding months of 1825, it appears that the loss has not exceeded, for that period, the sum of 2389l.

|                                                           |             |
|-----------------------------------------------------------|-------------|
| The gross receipts for Jan. and Feb. 1825, were - - - - - | 2,259,669l. |
| For Jan. and Feb. 1826 - - - - -                          | 2,257,290l. |
| Decrease - - - - -                                        | 2,389l.     |

On those items in which a reduction of duty was effected last year, such as cyder, glass, licences, sweets, and vinegar, there has been a diminution of produce in the two months of Jan. and Feb. last, as compared with 1825, of 102,000l.

|                                                  |           |
|--------------------------------------------------|-----------|
| The produce in Jan. and Feb. 1825, was - - - - - | 292,933l. |
| In 1826 - - - - -                                | 190,933l. |
| Decrease - - - - -                               | 102,000l. |

But this decrease does not arise principally from a diminished consumption of excisable articles. It arises almost entirely from an alteration of a very extensive nature, which has been effected in regard to the system of granting licences in Ireland, and to the scale of duties payable on those licences. That system, the committee is perhaps aware, is now entirely changed. A great number of absurd regulations, which formerly existed in that country, have been abolished; as for example, that which, in various places in Ireland, regulated the duty upon licences according to the fact of whether or not the borough returned members to parliament (a laugh). That was an absurdity, the reason of which I do not profess to be able to divine. But, at all events, the system upon which the duties on these licences are payable, has been, in almost every respect, assimilated, as much as possible, to that more reasonable arrangement which prevails in England. The consequence, however, is, that whereas formerly the duties on licences were payable early in the year, they will, most of them, not now be payable until after the 5th of July; and from this change there has resulted in the present quarter a loss of not less than 100,000l. If, therefore, I may venture to judge from the result of the two months in question, as regards the excise, of the effect which diminished consumption may have, during the whole year, upon the two branches of excise and customs, taken together, I do not think that I am taking too sanguine a view, when I estimate the probable loss in this year from that cause at 1,300,000l. Deducting, then, this sum, and the deficiency to which I have before alluded, from the amount of the customs and excise last year, together with the additions which I have above specified, it will leave 37,446,000l., as the estimate of that branch of the revenue in 1826. The next head to which I shall advert, is that of stamps. Stamps produced last year 7,417,923l.; I shall take their produce this year at 7,400,000l. The post-office, last year, produced 1,595,461l.; I will suppose a falling off, in the present year, of 45,461l.; which will leave the post-office estimate 1,550,000l. The assessed taxes produced last year 4,990,961l.

The loss to the revenue on this head will be something more considerable, since, of the 276,000l. remitted in 1825, not more than one-fourth was lost in that year. I anticipate, therefore, a decrease of 190,961l.; which will leave that estimate 4,800,000l. The miscellaneous items for 1826, will, on the other hand, be much larger than usual. The increase will proceed from three or four casual causes. In the first place, there is a sum of 100,000l., which, by treaty with the government of Holland, was to have been paid to this country in 1825. That sum, however, was not actually received within the year, and consequently could not form any part of the produce of 1825; although, as it is now, I believe, received, it will form a part of the estimate for 1826.—There is another sum, with respect to which I confess I did not anticipate that money from such a source would again find its way into the exchequer,—a sum which arises from what I am afraid many persons believe to be the never-ending lottery (a laugh). The last lottery, I must explain to the committee, was contracted for in 1823. I acknowledge that, for my own part, I was not aware, when that contract was made, that the usual system upon which lotteries are conducted would protract their existence one or two years beyond the period at which they might be contracted for. It appears that I was in the wrong, and it certainly was my mistake; it cannot, however, be now helped; and the consequence of this is, that in the present year a sum of about 190,000l. will be derived to the revenue from these lotteries, which have so often, and so justly, met with the reprobation of the house. I am as rejoiced at their approaching termination as the house can be; for I felt it my duty to take the first opportunity of putting an end to a system which, however it might be glossed over by ingenious reasoning, was exceedingly inconsistent with those principles of good government which would seek to derive no advantage from any practice of gambling, which, whilst it was prohibited by the general law in its application to individuals, was permitted, under the lottery system, to be carried on by the Government. There is another item, of some importance, which will come into the exchequer in the course of the present year; and that is, the return from Ireland of the old silver coinage, which has been called in, and replaced by the new. That new coinage cost us, last year, 500,000l. This year the old coin will come back, and will be available for the public service; it will, probably, amount to not less than 400,000l. The last point to be noticed, in respect to the miscellaneous receipts, is a sum arising from an arrangement between the Admiralty and the East India Company; who, in consideration of the increase of the navy, made with a view to the state of their affairs in India, have felt themselves bound in justice (as, it is my duty to say, they have with the utmost cheerfulness admitted), to pay 60,000l. for the benefit they are deriving from the augmented naval force stationed in the Indian seas to defend their possessions.—These several sums account for the increase of the miscellaneous items from 619,088l., which was their produce last year, to 1,360,000l., which is my estimate of them for the year 1826. The general estimate for the present year, therefore, stands thus:—

## CUSTOMS AND EXCISE.

|                                                         |              |
|---------------------------------------------------------|--------------|
| Produce of 1825 - - - - -                               | 37,546,000l. |
| Add—Progressive Reduction of Bounties - - -             | 50,000l.     |
| Wine Drawback - - - - -                                 | 1,050,000l.  |
| Loss by lapse of Tobacco duty - - - - -                 | 450,000l.    |
|                                                         | <hr/>        |
|                                                         | 1,550,000l.  |
|                                                         | <hr/>        |
|                                                         | 39,096,000l. |
| Deduct—Further loss from Reductions last year - - - - - | 350,000l.    |
| Further loss from diminished consumption - - - - -      | 1,300,000l.  |
|                                                         | <hr/>        |
|                                                         | 1,650,000l.  |
|                                                         | <hr/>        |
| Estimate for 1826 - - - - -                             | 37,446,000l. |

## STAMPS.

|                                   |             |
|-----------------------------------|-------------|
| Produce of 1825 - - - - -         | 7,447,923l. |
| Deduct assumed loss in 1826 - - - | 47,923l.    |
|                                   | <hr/>       |
| Estimate for 1826 - - - - -       | 7,400,000l. |

## TAXES.

|                                              |             |
|----------------------------------------------|-------------|
| Produce of 1825 - - - - -                    | 4,990,961l. |
| Deduct loss from reduction in 1825 - - - - - | 190,961l.   |
|                                              | <hr/>       |
| Estimate for 1826 - - - - -                  | 4,800,000l. |

## POST-OFFICE.

|                                   |             |
|-----------------------------------|-------------|
| Produce of 1825 - - - - -         | 1,595,461l. |
| Deduct assumed loss in 1826 - - - | 45,461l.    |
|                                   | <hr/>       |
| Estimate for 1826 - - - - -       | 1,550,000l. |

## MISCELLANEOUS.

|                                                                                            |             |
|--------------------------------------------------------------------------------------------|-------------|
| Produce of 1825 - - - - -                                                                  | 619,088l.   |
| Add—Payment from Holland, Lottery, and East India Company, on account of naval force - - - | 340,912l.   |
| Add also—Silver from Ireland - - - - -                                                     | 400,000     |
|                                                                                            | <hr/>       |
|                                                                                            | 740,912l.   |
|                                                                                            | <hr/>       |
| Estimate for 1826 - - - - -                                                                | 1,360,000l. |

I assume, under these circumstances, that (as I before stated) the condition of the revenue, during the present year, will be such as to leave us a surplus, a clear surplus, after all the deductions which I have described, of 714,000l. Now, this sum is, perhaps, not a very large one; but I think it is worth something; and I also think that it may be made available to some useful purpose. At the same time, I apprehend that our choice as to its application is very limited on the present occasion, on account of the circumstances to which I have already alluded, regarding the unintentional alteration of the duty on Tobacco, which took place in the course of the last year. I should state to the committee that, when it was ascertained that that one-shilling duty had elapsed, the parties interested became very anxious to know what his Majesty's

Government intended to do with regard to it;—whether they intended to let it lie dormant, or to allow it to revive, as by law it would have done, on the 5th of January last. Our answer was, that at all events we should not revive the lapsed duty until the pleasure of parliament should be taken on the subject. But now, I have no hesitation in saying, that it appears to me to be incumbent upon us to recommend to parliament to continue the reduction of that one-shilling duty, although I do not mean to say that, if our means had not enabled us to continue the reduction, we should not have been perfectly justified in allowing the full duty to continue in operation. I should greatly have preferred carrying this reduction still further; but in the actual condition of the country, I do not think it would be prudent or expedient to do so. At the same time I must say, that a great deal of good has arisen from this reduction, apparently small as it is; it has had no inconsiderable effect in checking the smuggling of Tobacco, particularly in Ireland, where that practice is carried on to an extent beyond all imagination or belief. I do not suppose that the ingenuity of man was ever exercised to a bad purpose with greater success than it is in the smuggling of Tobacco; and the committee would be astonished if I were to enter into a detail of the devices to which that most ingenious class of persons, the smugglers, have recourse in order to carry on the illicit introduction of this article; but the reduction of the one-shilling duty has, I repeat, already had an exceedingly beneficial effect in the discouragement of the illicit traffic in Tobacco; and whenever circumstances may enable us to carry the reduction still further, I have no doubt that the revenue will derive a large compensation for its first loss, not only from the increased consumption, but also from the more complete extirpation of the extended evils of smuggling. The amount of the loss resulting from the abandonment of this part of the Tobacco duty, I estimate for the whole year at about 600,000l. and although I do not mean to deny that it would have afforded me great pleasure, either to extend the amount of this particular reduction, or to apply a similar principle of reduction to other articles, I do not feel that at present I should be justified in doing so. I do not profess to be a prophet; and it would be foolish in me to hold out positive expectations on a subject liable to the operation of so many uncertain contingencies: but, when I state that during the last three years I have had the good fortune to propose the reduction of eight millions of taxes, I think I say enough to entitle me to ask of parliament to believe that I shall not be slow in carrying the principle of reduction further, whenever a fit opportunity may present itself. There is another subject, connected with the financial arrangements of the year, to which I now wish to call the attention of the committee. I have endeavoured to show the grounds upon which I am satisfied that we are at present in a situation, not only to meet all the necessary demands that the public service may require, but to carry still further, although to a more limited extent than I would desire, the reduction of taxation. There are, however, certain other points connected with our financial system, which are of the greatest importance, and to which I think the attention of parliament ought to be devoted with peculiar care. Gen-



lemen are aware how much has been said, in the course of the discussions of the present session, upon the subject of the situation in which the Bank of England is placed in consequence of its advances to Government. And although I have always been ready to defend the conduct of Government in respect to those advances, as well as in respect to the general amount of the unfunded debt, I have never contended that it would not be a very desirable thing to diminish the amount, not only of those advances by the Bank, but also of that portion of the unfunded debt which is in the hands of the public, whenever those objects could be safely and properly accomplished. On the 5th of January, 1826, the Bank of England held exchequer bills, upon advances to the Government, to the extent of about 6,000,000*l.* These bills were independent of any which the Bank might have purchased in the market, and which they deal with as they think proper; but in the month of February of the present year, it is well known that the Bank, at the instance of Government, consented to purchase 2,000,000*l.* of outstanding exchequer bills. The object of this measure was partly to relieve the money-market from the pressure which at that time seemed to operate with peculiar force upon this species of security; and partly in the hope that various classes of the community, who were suffering from the forced contraction of the currency, which alarm and want of confidence had produced, might obtain a certain degree of relief from this mode of extending the general circulation. But it is quite clear, that, however willing the Bank might be to purchase these 2,000,000*l.* of exchequer bills, it would not have been prudent for them to do so, unless they received an assurance that the amount should, if necessary, be repaid them at no very distant period; and accordingly they were informed by his Majesty's Government, that the amount should be repaid in the present year—I believe in the month of June. At a subsequent period the Bank consented to make advances to a large amount on goods, for the purpose of still further contributing in a more direct way to relieve the difficulties of the commercial world; and having undertaken to do so, it becomes still more important, with a view to save that corporation from possible embarrassment, that the Government should provide itself with the means of giving to the Bank every facility in their operations, which can be derived from a diminution of their general advances to the Government. The proposition, sir, which I intend to submit to the committee, is, that in the course of the present year, and as early as circumstances may render it advisable, the Bank shall be repaid 6,000,000*l.* of the exchequer bills in their possession. The committee will observe, that the Bank hold of these bills, first, the 6,000,000*l.*, which they possessed on the 5th of January last; secondly, the 2,000,000*l.*, of which they became possessed, by purchase, in February; and thirdly, rather more than 3,000,000*l.*, upon which they had made advances for the purpose of paying off the four per cent. dissentients: and the total of these various sums is rather more than 11,000,000*l.* With respect to the last class of advances, however, (those which were made by the Bank on account of the four per cent. dissentients), provision has already been made for them by their being charged upon the Sinking Fund; and at the close of the present year they will be nearly extinguished. There re-

mains then the sum of 8,000,000*l.*; 6,000,000*l.* of which, as I have already mentioned, I propose to pay off in the course of the present session, or as soon after as the general circumstances of the case may render advisable. In addition to what I propose to do with respect to exchequer bills held by the Bank of England, I cannot but think that it is very desirable to effect some reduction in that portion of the unfunded debt which is in the hands of the public; I shall therefore propose a moderate reduction of the outstanding exchequer bills of that description; and I conceive that we may carry that arrangement to the extent of two or three millions. In order, therefore, to effect these two purposes, I propose to fund, in the course of the present session, exchequer bills to the amount of eight or nine millions. I am by no means prepared to say, that I should not be glad to see the unfunded debt reduced in a greater proportion than that which I now recommend; but I am satisfied that every one will see, that too rapid a course of reduction by means of funding, might, at this moment, be attended with great inconvenience, and lead to a very injurious derangement in the circulation of that species of security. At the same time, I can see no reason why, after the present year, when the Sinking Fund shall have been relieved from the payment of that portion of the unfunded debt which is now charged upon it, it should not be made applicable to the reduction generally of the unfunded, as well as of the funded debt. Such an application of the Sinking Fund would be strictly in conformity to its original object; for in the act by which the present Sinking Fund is established, it has been provided, that it shall go on accumulating at compound interest, until it reaches one per cent. on the capital of both debts, funded and unfunded, taken together. Parliament has, therefore, already so connected the two descriptions of debt with the Sinking Fund, as to render such an application of it quite consistent with the principle of its formation; and the only effect would be, that the daily amount of stock bought in the market would be diminished—a circumstance, which, at present at least, is comparatively of no very great importance. It is my intention, therefore, either in the present, or early in the next session, to propose such an alteration in the mode of applying the Sinking Fund, as may render it, if necessary, as available to the reduction of the unfunded, as it is now to the reduction of the funded debt. I have thus, sir, endeavoured to state to the committee the circumstances under which our revenue stands at present; I have endeavoured to explain the course which his Majesty's Government, sanctioned by parliament, have pursued during the last few years; and I have endeavoured to shew the grounds on which I relied (and, as the event has fully shewn, justly relied) in framing the estimates of preceding years; as well as the grounds on which I consider myself warranted in relying now upon a prosperous future. Sir, I am not afraid or ashamed to use the word "prosperous." I say, that a nation may safely be termed prosperous, when, combining within itself all the great elements of wealth and power, it finds the legislature and the Government striving, with a generous emulation, to promote the development of the national resources, by correcting what is defective, removing what is obstructive, and giving life and scope to what is

active. I see the foreign policy of this country confirming and extending that just and independent influence amongst other nations, which the fair dealing, the honesty, and the prudence of England have heretofore entitled and enabled her to maintain. I see, year after year, the most vigilant attention paid to all practicable improvements in the construction and administration of the laws; whereby, whilst the liberty of the subject is never overlooked, justice is rendered more intelligible to those by whom it is dispensed, and more satisfactory, as well as accessible, to those for whose benefit its dispensation is intended. I see the commercial policy of the country adapted to more enlightened views, and every amendment of the system pursued with a spirit and a perseverance worthy of so good a cause, and essential to its final success. I see, that in the management of our finances, the ruling principle is, to combine a due provision for what the honour, the dignity, and the safety of the country require, with a just circumscription of unnecessary patronage, and a well-considered reduction of excessive taxation. I see all these useful measures suggested, enforced, and sanctioned by the deliberate, and I might almost say the unanimous, voice of Parliament: and when, in addition to all this, I see that, as respects the people at large, the light of knowledge and of reason is gradually dispelling the mists of ignorance and of prejudice, and opening their minds to a discriminating appreciation of what ought to be the conduct of those to whose care their interests are confided—am I using the language of exaggeration and overconfidence, when I say, that the affairs of this kingdom are in a right and prosperous course? There may still be many difficulties to meet us on our way. We may have to undergo, as we recently have experienced, the sudden violence of the unexpected tempest;—we may have at times to encounter “the slings and arrows of outrageous fortune;”—but, sir, if we have only resolution and constancy enough—

“To take up arms against that sea of troubles,  
And by opposing—end them;”—

if we pursue our path with steadiness and fidelity, we shall find our dangers and our difficulties diminishing with our progress; and we shall advance with systematic regularity towards the great end of all good government—the happiness and well-being of the people (loud cheering).

Mr. *Maberly* said that he was by no means induced, by the eloquent speech of the right hon. gent., to overlook the fallacies with which his statement abounded. The rt. hon. gent. had taken his estimate from 1816, and quoted that year as instancing the diminution of the charge of debt, as compared with last year. But that was by no means a fair estimate, as, in 1823, a charge of 2,000,000*l.* was made upon the debt. The rt. hon. gent. took those years for the purpose of reference, which he found most convenient to the particular point he was desirous of establishing. This was an unfair, fallacious mode of representation. Instead of a decrease, upon a fair computation it would be found that there was an increase, taking 1819 and 1826 as the years of instituting a comparison. When the rt. hon. gent. submitted a statement, whereby it appeared that, in some items, a diminution to the extent of 5,500,000*l.* was effected, it

should be recollected that, within the same period to which he had referred, we had got 4,000,000*l.* more in debt. He then proceeded to contend, that compared with later years the amount of our debt increased instead of diminished. He did not object to the principle of the funding of exchequer bills; but this made little alteration in our case. As to the estimate of revenue for this year, he should be most glad to coincide with the rt. hon. gent., but he was afraid the calculation had not been made on sufficiently certain data. The rt. hon. gent. had taken only one month of last year with one of the present. But he (Mr. *Maberly*) should like to have the calculation made from the 1st of Jan. this year, to the present time, and compared with the same period of the last year. That would have been much better ground on which to have gone, than the one he had chosen. Doubting, therefore, the accuracy of his principle of calculation, he could not place much reliance on his estimated surplus. Last year, the rt. hon. gent. had told them that they were to have a surplus of 864,000*l.*, and it turned out not to be a fifth of that sum; and this year they were told they were to have a surplus of 714,000*l.*

The *Chancellor of the Exchequer* said, that the calculation to which the hon. member alluded was made last year before the reduction of taxes took place, and of course the surplus was less by the amount of the taxes reduced.

Mr. *Maberly*:—That of course would alter his argument as to that point. Still, however, he must repeat his regret, that the rt. hon. gent. had not made his calculation on the produce of the revenue up to the present period; for if it should turn out that there was a great falling off in the revenue in the month of Feb., the rt. hon. gent. could hardly be said to have made a fair calculation. As to the reduction of the unfunded debt, he did not object to it; but he did contend, that a more favourable moment might have been selected, when it could have been done with more advantage to the public. The right hon. gent. had expressed an intention of making the sinking fund applicable to the reduction of the unfunded as well as the funded debt; but he (Mr. *Maberly*) thought, that before any such alteration was made, it would be much better to apply the sinking fund for the purpose of getting rid of the dead weight of 2,800,000*l.* now paid on account of the half-pay and pensions.

Mr. *Hume* objected to the mode in which the rt. hon. gent. had made his calculations, and the periods which he had selected for his comparisons. The rt. hon. gent. referred to one period for the amount of taxation, to a second for the amount of debt, and to a third for the amount of consumption, just as each period was suitable to his purpose. However, he (Mr. *Hume*) would not have risen now but for the allusions made to his statement on a former evening, that though so much had been talked about the reduction of taxes, yet there was more money taken from the pockets of the people within the last three years, than there had been within the three preceding years. The moment he made the assertion, it was positively contradicted by the rt. hon. gent. (Mr. *Canning*) and by the *Chancellor of the Exchequer*. He would, however, repeat his assertion, and he would prove it by the returns before the house. He would not follow the rt. hon. gent. back to 1816, and he did not see what right he had to go to that year;



but he would take the returns of revenue of the years 1817, 1818, and 1819, and, comparing them with those of the last three years, it would be seen that in the latter more money was taken out of the pockets of the people than in the former. By those returns it appeared that the amount of revenue was—in 1817, 51,000,000*l.*; in 1818, 52,000,000*l.*; and in 1819, 51,000,000*l.* Now, he would admit that many advantageous changes had been made in the mode of collecting the revenue, and the repeal of useless and injurious restrictive laws, in the last two or three years; but in those years the amount of revenue was—in 1823, 52,561,000*l.*; in 1824, 52,685,000*l.*; and in 1825, 52,044,000*l.*; thus making an average increase of 1,000,000*l.* and nearly 40,000*l.* per year. So that in the eleventh year of a peace we found ourselves in the actual payment of a progressively increasing taxation upon the productive industry of the nation. From the particular financial circumstances of the country in 1816, he would not go into the consideration of that year. It furnished no criterion of comparison with the present. But taking a review of the last seven years, it would be found that we had to pay, by the extraordinary measures which were resorted to in the transactions between the Government and the bank, and in a variety of ways, fully fifteen millions more of charge really imposed upon the country, than in any of the last preceding seven years. As to the repeal of the tax on tobacco, it was one of so trifling a consideration, as not worthy to be taken into account. It was not to such a reduction as that, and of a few other trifling items, that the country had a right to look, after eleven years of peace. The statements which he had made were taken from the returns laid upon the table of the house, and they supported, as clearly as figures could support, what he had now and before advanced. The *rt. hon. gent.* had referred to the amount of consumption in 1816 and 1825, and endeavoured to establish, from this comparison, that there was an increase in the quantity of consumption. When all the returns were laid before the house, which would complete the series of returns for which he had moved (a laugh), he would be able to shew that great delusion prevailed upon the comparative consumption of different years. He would take a period of ten years, as one furnishing a sufficient space of time whereon to ground a fair estimate. The *rt. hon. gent.* had said, that there was an increase in the consumption of beer, of tea, and several other articles. Now he (*Mr. Hume*) would be able to shew, not from the returns of a single year, but from the average of several years, that the consumption of malt, and beer, and tea, and several other articles on which they were told that a large increase had taken place, had diminished; taking, as they were bound to do, the increase of the population into consideration. He would undertake to say, that so far from there being an increase of consumption in the article of beer of 16½ per cent. that there had been a great reduction in the consumption of malt. This was partly shewn by the duty paid on it. It was not a little remarkable, respecting the consumption of malt, that, taking the period between 1788 and 1792, and a similar period preceding 1825, the consumption in the former period was greater, although the population of England had, since the former period, at least increased forty per cent. Sugar also, notwithstanding the state-

ment put forth by the Chancellor of the Exchequer, had decreased. Tobacco, on which the *rt. hon. gent.* said there was an increase of 13½ per cent. if not diminished in consumption, had certainly not undergone any material increase. As to tea, on which an increase had been stated of 20 per cent., every one knew that the consumption of tea for the last twenty years had been stationary. In short, no part of the statement of the *rt. hon. gent.* was fairly supported by the returns laid upon the table of the house. Then the *rt. hon. gent.* had not condescended to notice the great increase that took place in our naval and military expenditure. Why, he would be glad to know, was the great increase introduced in the military, and naval, and ordnance, and miscellaneous, and other estimates (hear, and a laugh)? He had hoped the *rt. hon. gent.* would have given some reason for that increase, as no one had thought proper to do so at the time of moving them, except, indeed, the noble lord (Palmerston), who gave a reason, which was really no reason at all (a laugh), that it was necessary for the purpose of reliefs. The *rt. hon. gent.* had stated that the public had saved much by not funding exchequer bills a few years ago, but he would remind him of what the country would lose by funding them at present. Last year the Government might have funded their exchequer bills with the funds at 97. They will now have to fund at a loss of 20 per cent., which they might have avoided, had the Chancellor of the Exchequer attended to the suggestions that had been made to him from the left side of the house. This loss would be equal to the amount of the assessed taxes for one year; and it was a sum entirely thrown away by the improvidence of Government. The country was now paying at the rate of only 1½*d.* and one penny interest on the outstanding exchequer bills, and he would beg the Chancellor of the Exchequer to consider how the country could pay the increase of interest that would arise from funding them at the present rate of the funds. The *rt. hon. gent.* had thought proper to take notice of an ephemeral publication in Scotland, which only proved to him (*Mr. Hume*) that the *rt. hon. gent.* was conscious that he laboured under a great lack of argument, and that he wished to carry the house with him by extraneous means. It was reasonable to suppose that persons who were born and bred upon the taxes, like the author of the publication in question, should be advocates for their continuance. Any thing which fell from such persons, was beneath notice in that house. The *rt. hon. gent.* had taken credit for the reduction of the Scotch customs and excise boards, but he (*Mr. Hume*) wished that the *rt. hon. gent.*, instead of boasting of the past, had informed the house how the country was to go on. Between four and five millions were annually extracted from this country, on account of Ireland; and yet it was only within the last year that any inquiry into the subject had taken place, by the appointment of a commission of investigation. He believed that all the upper classes in the employ of Government were over-paid, whilst the under classes were very much under-paid. A revision of the expenditure would save the country a large amount. In proportion as the national debt decreased, the Government augmented the establishments and expenditure of the country. The Chancellor of the Exchequer had been telling the country for three years, that the re-



duction of taxes was to continue, and that the amount of the sinking fund was to increase; but neither of these pledges had been redeemed. On a future occasion he would enter more fully into the subject. On the present occasion he had merely risen to enter his protest against the statement of the *rt. hon. gent.*, lest the house should be led astray by the fallacies which it contained.

*Sir J. Newport* said, that he felt himself obliged to differ from the *hon. member* (*Mr. Hume*) with respect to the conduct of ministers (*hear, hear*). He thought that the country was greatly indebted to the *right hon. gents.* (the *Chancellor of the Exchequer* and *Mr. Huskisson*) for the measures which they had adopted since they had been in office. They had effected a considerable reduction of taxation, and placed matters in such a train that a progressive reduction must continue, which would, he believed, particularly in the case of Ireland, ensure an increased revenue. The measures which ministers had adopted for reforming the mode of collecting the revenue in Ireland, would work a great moral improvement in the habits of the people. He trusted that ministers would carry their reforms, with respect to the revenue of Ireland, still further than they had already proceeded with them.

*Mr. Baring* thought that, in the present situation of the country, it was impossible for any man, however gifted, to say, with any degree of certainty, what would be the result of the revenue for the year. Whilst the country was filled with bubble fortunes, there must be a bubble revenue. The recent decrease of revenue must, in part, be ascribed to the generally artificial state in which the country had been placed. Upon the whole, he had never, since he sat in that house, heard a speech which had given him more satisfaction than that of the *right hon. gent.*

The *Chancellor of the Exchequer*, in explanation, observed, that although he could not calculate upon so much as 400,000*l.* or 500,000*l.*, yet the increase, next year, would no doubt be considerable. As to the question of the dead-weight, although the defence of that measure did not devolve upon him, yet he had felt it necessary to justify the Government, though he was not insensible to the objections which the measure was liable to. In other circumstances than the present, he might have been not averse to re-considering it; but now, when he must assume some reduction of the revenue, he did not think he was in a situation to state what was the intention of Government, should circumstances be favourable at the expiration of the period for which the bargain was made with the bank. With respect to his intention of funding, his plan was, to fund 8,000,000*l.* or 9,000,000*l.*, and through the medium of this fund, to repay 6,000,000*l.* to the bank, and apply the remainder to the reduction of exchequer bills in the market.

*Mr. Calcraft* observed, that a regulation had been adopted by his Royal Highness the Commander-in-Chief, allowing officers to purchase rank by purchasing half-pay. A young officer might purchase a majority of a senior, and it looked like the purchase for a better life. He believed, however, that when a purchase of this kind took place, an accurate calculation was made of the value of the half-pay, and the overplus of the purchase-money given by the junior, was paid to commissioners on account of

the public. He wished this point to be explained, for it was not fit that any misapprehension should prevail upon it.

*Sir Charles Long* confirmed *Mr. Calcraft's* statement. The difference was paid to the Paymaster-general on account of the public.

*Sir Charles Forbes* hoped that if the *right hon. gent.* persisted in interfering with the Scotch system of banking, the Scotch members would do their duty, taking a pattern from the members for the sister country, and stick together. He would oppose such a project night after night; and if only one member would stand by him, he pledged himself to defeat the measure (a laugh).

*Mr. Ellice* would put it to the *hon. bart. why*, when a bill had been prepared for the regulation of bankers, it should not be extended to those of Scotland? It brought in question the proverbial prudence of the Scotch, that they should come down to the house as petitioners for time to make their arrangements. An *hon. member* (*Mr. J. Smith*) had complained of aspersions upon the bankers of England; but not one of them had petitioned. They seemed rather too eager, at least they went beyond the intention of the house. If there had been any such thing as overtrading, the Scotch bankers had been guilty of it, and this he pledged himself to prove, if occasion offered. If the measure was right as respected England, it was equally so in respect to the rest of the empire. —As he was upon his legs, he would beg to ask the *right hon. gent.* (*Mr. Huskisson*) with respect to the tax on soap, whether any relief was intended to be afforded to the silk trade in that particular? Some relief had been expected with regard to that article, as well as dye-drugs, and he hoped the subject had excited attention.

*Mr. Bright* remarked, that the tax on receipt-stamps was evaded, and had become unproductive, pressing only on those who were disposed to do right. He thought that tax might be removed.

*Mr. Huskisson*, in answer to the *hon. member* (*Mr. Ellice*), stated that it was intended that the relief to be afforded to the silk-trade, in respect to the duty on soap, was the same as that afforded to the woollen trade—namely, a drawback on the quantity of soap consumed. As to the duty on dye-drugs, he would be glad if the *hon. member* would say upon what articles the duty could be reduced. The utmost attention had been paid to this subject last year, and the reduction had been carried to the farthest limit. He thought that the statements of the *hon. member* (*Mr. Maberly*) were calculated to obscure the very clear and satisfactory statement of his *right hon. friend*. According to the *hon. gent.* the debt, capital as well as charge, had increased since 1819. It was a common observation, that by means of figures any result could be gained; and certainly the *hon. gent.* had demonstrated the truth of it. The house would be surprised to learn, that by an account moved for by the *hon. member*, and now on the table, it was made to appear, that between 1824 and 1825, the debt of the country had increased 70,000,000*l.*, and the charge 2,000,000*l.* This was an entire misconception—a fallacy which the form of the account moved for by the *hon. member* tended to produce.—An *hon. member* (*Mr. Hume*) said that the country paid more taxes now than in 1816; but in proportion as taxes were reduced, consumption was increased,



and consequently the aggregate amount of the taxes. Suppose his right hon. friend were to take off half the existing duties on commodities, the consumption would increase, and the people would pay the taxes more cheerfully; yet the hon. member would get up and say that we paid more taxes than we did before. The house would judge how far this argument was entitled to weight.

On the motion that the usual 4s. in the pound upon all pensions, offices, &c. should be voted,

Mr. Hume begged to suggest a measure by which the country, at one stroke, could save 2500l. The cost of collecting this 4s. in the pound duty amounted to 2500l., or something near that sum; let the poundage only be deducted in the payment of the pensions, salaries, &c., and the whole charge of collection would be avoided.

The Chancellor of the Exchequer admitted, that the existing mode of diminishing the amount of these pensions was inconvenient, and ought, if possible, to be altered; but it could not be altered at present, because most of the pensions and salaries were paid out of the civil list. The civil list was fixed at a certain sum for the life of the sovereign; and this change could not take place without a revision of it. The civil list could not properly be altered from the sum at which parliament had settled it; but whenever any change took place at a future period, the course might be followed which the hon. gent. suggested.

Mr. Hume said, that the objection to him seemed quite untenable. The very taking of this 4s. in the pound at all was a virtual alteration of the amount of the civil list.—The resolution was then put and carried.

### *Management of the Public Debt.*

FRIDAY, MARCH 10.—The order of the day for the house resolving itself into a committee of supply, was read. On the question that the Speaker do now leave the chair,

Mr. Maberly said, that, in his opinion, the Government, and especially that part of it over which the rt. hon. gent. (the Chancellor of the Exchequer) presided, had, in concert with the Bank of England, added greatly to the existing causes of distress. He felt it to be his duty to point out where the great error in their conduct lay, and to show by what means they had aggravated the calamity under which the country had been suffering. The statement he had to make he should divide into two parts. The first would relate to the mismanagement of the unfunded debt, and the latter to the misarrangement and mismanagement of the funded debt; both of which had, in his opinion, added greatly to the inconvenience of the country.—To begin with the manner in which Government had managed the issue of Exchequer-bills. He should suppose, from the eagerness with which certain hon. gents. came down to vote away 30 or 40,000,000l. of Exchequer-bills, that they did not know what the nature of those securities was. As he should find a strong case upon them, he would describe this species of security. Exchequer-bills were bills issued for a debt previously contracted, which was usually denominated the unfunded debt. They were not payable on demand, though they were almost equally

pressing,—they were rather, in some cases, payable at sight. When they became so payable, they were receivable as payment for the revenue; and Government, when it was obliged to pay them off, paid them off either in money or revenue receipts. Hence it was, that when Government advertised that it was ready to pay off Exchequer-bills, the time was always found to be near that in which the revenue became due. Though he should have some difficulty in stating what portion of Exchequer-bills had been paid into the Exchequer on account of the revenue, he could show what quantity of bills they had due on particular days, without having one shilling in their coffers to meet them. On the 6th of April, 1825, there were 6,258,000l.; on the 6th July, in the same year, 30,000,000l. of these promissory notes, payable at sight, due and receivable as money by the revenue. On the 11th of October, there were 20,160,000l.; and on the 6th of Jan. 1826, 7,400,000l. of these dangerous promissory notes in existence. This would be sufficient to show the danger which might arise from a too copious use of these securities. He could show how dangerous it was, not by putting an imaginary case, but one which had really happened. In December, Exchequer-bills were at 80s. discount, from an over-issue. No one could doubt that this paper, like any other paper, could be over-issued; for the proof of over-issue was discount, as the proof of the reverse was premium. Government being alarmed at the depreciation, and fearing they should have to pay off the exchequer bills from the revenue, persuaded the Bank to buy them up with an issue of paper. To raise their value further, the interest on them was raised from three-halfpence to two-pence a day. Notwithstanding all this, on the 14th of Feb. they were again at a discount of 20s. Could it then be doubted that this species of paper was a most dangerous one to be afloat in the market? It appeared that the Bank had advanced 5,500,000l. towards the payment of the January dividends, and if they had not done so, it was impossible to say what inconvenience the country might not have felt from the immense amount of exchequer bills which were then abroad. The returns shewed that in July last, the whole amount of those bills was 30,000,000l.; that between July and October, there were issued 20,000,000l., and between October and January, 7,000,000l. All these sums might have been forced upon the Government instead of money, in payment of the revenue; and but for the measure he had alluded to on the part of the Bank, in taking up what were called the deficiency bills, that event must have happened. Where was the Government to get money to pay the dividends but for the assistance of the Bank? And how was the Bank to give that assistance but by an extensive issue of notes? Then, said ministers, "if you will give us this, of which we are in present need, and if the exchange should take such a turn as to bring a demand for gold, we will give you a restrictive act." Had he not a right then to call that a dangerous species of paper which produced consequences like these? But if the quantity of this paper were dangerous to the revenue, what might not be its effects in case of the breaking out of a war? Suppose the Russian army should march (and there was a greater probability that it would than it would not), how would Government be able to clear the



market of this paper? If the exchanges, which were hung as it were upon a pivot, should turn against this country, by what means could they be restored?—It appeared to him, that instead of appropriating the sinking fund to the discharge of the funded debt, on which it had no operation, it would be better to use it for the relief of the unfunded debt. Upon this part of the finances, he thought the conduct of the rt. hon. gent. had not been such as was likely to prove beneficial to the country.—He should now read the resolutions he meant to propose on this subject:—

"That it appears by returns to the house, that on the 6th of Jan. 1826, the amount of exchequer bills outstanding and unpaid was 37,502,017l. 9s. 7d.; that on or about the 20th of December they were at a discount of 80s., and that it therefore became necessary to raise the interest previously granted on them, in order to prevent their being paid into the exchequer as revenue, or a part of them being demanded in cash. And that, notwithstanding this advance of the rate of interest on exchequer bills, it became necessary to relieve the market by reducing the quantity on sale, which was effected by means of a large portion of them being absorbed in purchases made by the Bank, which brought them to about par at the end of the month.

"That on the 14th of February they were again at or about 21s. per cent. discount, when the Bank came once more into the market, and brought them to par.

"That the Bank, from various circumstances, might not have been able thus to relieve the market without endangering its credit: yet, had not relief been afforded, bills paid in as revenue might have left the exchequer without any means of paying the dividends, provided the Bank could not advance the whole amount of them.

"That the Bank, in order to pay the Jan. dividends, having already advanced 5,548,817l. 9s. 7d., it was highly improbable that it could at such a moment make a further advance of 3,128,183l. (the additional sum necessary) without placing itself in a most hazardous situation: and it appears, therefore, that although the prompt relief in the purchase of exchequer bills given by the Bank did at the moment avert these calamitous consequences, still the danger of having such a large unfunded debt becomes strikingly obvious, by the Bank being obliged a few days since to come into the market a second time to prevent a further depreciation of them.

"That, notwithstanding the low rate of interest which has been paid on exchequer bills, it has been both inexpedient and dangerous to leave so large an amount of debt unfunded; not only for the reasons stated in the foregoing resolution, but because it might have been funded on most advantageous terms, and at a saving of some millions to the country, whilst by leaving it unfunded until a period of political difficulty arrives, it cannot fail seriously to affect public credit, and to impair the energies of the country; and that it appears therefore to this house, that it is highly expedient to reduce the unfunded debt within more reasonable limits."

He now came to the mismanagement which had prevailed in the funded debt. In 1822, a noble lord (Bexley) stated in the house, that it was impossible the country could be rendered safe without a sinking fund of 5,000,000l. a-

year, and his lordship's view of the subject was confirmed by a large majority of the house. Fourteen days afterwards, however, the noble lord came down again (having in interim found that this was not very agreeable to some gents. on his own side of the house) proposed a reduction of the half-pay list paying annually 2,800,000l. for 45 years. The value of this had not been stated, but by a valuation which was recently made, it appeared that this annuity for 45 years was actually worth 74,632,000l. Could any thing then be more extraordinary, than that fourteen days after it had been stated by the minister, and confirmed by the house, that nothing but a sinking fund of five millions a-year could save the country, the same minister should propose, and the house should agree to, the largest loan that ever been made? For, look at it in what light they would, it was a loan to the amount he stated. There had been twenty divisions against it, and his lamented friend Mr. Ricardo had proposed it in the most strenuous manner, because he saw its objectionable nature as well in principle as for its enormous amount. The loan was bought as much of this dead weight as can be, 13,000,000l., and added that to the load of which was not convertible, and which was ready on their hands. Of this nature were 5,500,000l. which they had advanced, together with 7,000,000l. before due on account of exchequer bills. There was no official document in proof of these sums, but they had been often admitted in debate, that he supposed could not now be disputed. 3,000,000l. had been advanced to pay off the dissentients on the reduction of stock, and lately 2,000,000l. to the exchequer bills from coming upon the hands of Government. There was, moreover, an amount advanced by the bank on mortgage, which was also not convertible. He desired the Bank to disincumber themselves of this debt but by means which would bring relief to the country. They could only attempt funding exchequer bills; and if this were done, would any body say that things were going well? It was time that something should be done to avert the danger that might ensue from doing this the best and most satisfactory way would be to release the Bank from the burden it had been forced to make.—He would advert to the mode of rendering the accounts to the house, which was so managed as to create the greatest difficulty to any one who wished to understand them, and to give a representation very different from the actual state of the accounts. The fact was, that the public debt amounted to more than 100,000,000l. more than had been stated. The reason for this difference was, that in the accounts which had been presented before the house, the various descriptions of stock had been stated, but there was no valuation of the life annuities, no valuation of the long annuities, none of that dead weight which he could scarcely command his terms (speak); and these omissions, if they were supplied, would form an amount of 101,000,000l. more than had been returned. By a valuation which was now in the hands of the printer would soon be before the house, it appeared that on the 5th of Jan. 1819, the public debt was 832,000,000l. and upwards. Now, notwithstanding the operation of the sinking fund, it was found that it had increased by 61,646,000l. and that the annual charge was 31,000,000l. more than in 1819. Although there had been,



said, an annual saving of between fifteen and sixteen hundred thousand pounds in the reduction of interest in the four and five per cents., it was shewn, not by his statement, but by that signed by Mr. Finlayson, the accountant of the Bank, and by Mr. Higham, of the National Debt office, that this was the present state of the debt. Would it be said that this was right? Did it not shew that Government was involved in a debt which they could not pay, and that, notwithstanding the blame they had heaped upon the country bankers for issuing more notes than they could pay, they had themselves sent out paper which they had no means of liquidating? He (Mr. Maberly) was convinced that no policy could be worse than to fetter the money concerns of the country, that it would be disgraceful to continue it, and wise and advantageous to abandon it. He trusted that on Monday the rt. hon. the Chancellor of the Exchequer would announce his intention of following his (Mr. Maberly's) advice, and put the unfunded debt upon the sinking or on the consolidated fund. He would now read his other resolutions:—

"That although, by a vote of this house, 5,000,000*l.* were declared necessary as a sinking fund to uphold public credit by diminishing the national debt, yet, in the course of a very few days after that declaration, the house came to a determination of granting an annuity of 2,800,000*l.* for 45 years, thereby increasing the public debt many millions (by return to the house, March 1826, 74,632,051*l.*), and at the same time violating the very principle which it had declared to be the only one by which public credit could be supported.

"That part of the said annuity, amounting to 585,740*l.* for 44 years, was sold to the Bank of England for 13,089,424*l.*, payable by instalments, the last of which falls due in July, 1828, and part, amounting to 2,214,500*l.*, still remains unsold, to the value of nearly 50,000,000*l.*; and that, under present circumstances, it will be expedient to sell the remaining part of the said annuity, and that it will be expedient to repeal so much of the act granting the said annuity as relates to the part unsold, and to charge the amount necessary to defray the naval and military pensions from July 1828, on the consolidated or sinking fund.

"That the capital of the funded unredeemed debt of the United Kingdom stood in the finance accounts of the 5th of January, 1825, at 781,123,222*l.* 15*s.* 6*d.*; whereas the real capital debt of the country approaches to nearly 900,000,000*l.*, inasmuch as the capital of the terminable annuities is not included in the above sum."

Mr. Herries:—The hon. member confined his speech to two points:—In the first place, he took a retrospective view of the conduct of Government with respect to the unfunded debt; and in the other he had alluded with no small condemnation to the manner in which Government had managed the funded debt.—The hon. member had accused the Government of confusion in making up the accounts of the funded debt. The confusion existed only in the ideas of the hon. member, and greater confusion than prevailed there he had never known. The hon. member, some time ago, called for a paper, to show the state of the funded debt, which the house ordered to be produced. The hon. member had directed, that in that paper an estimate should be made of the total value of the

annuity of 2,800,000*l.* set apart for providing for the charge of the military half-pay. This estimate was set down under last year's head alone; and the consequence was, that in that year, as compared with former years, there appeared an enormous difference in the amount of the funded debt. Upon this mistake, created by the hon. member himself, he had raised his argument. The hon. member had charged the Government with not having effected the reduction of the national debt. He begged to call the attention of the house to this subject. The bullion committee of 1819 recommended that the unfunded debt should be reduced to the extent of 10,000,000*l.*; and he was able to show, that Government had not only complied with that recommendation, but gone beyond it. From the time of the report of the bullion committee up to the present moment, Government had discharged upwards of 13,000,000*l.* of the unfunded debt. In order to make the subject perfectly intelligible, it was necessary to explain the nature of the unfunded debt. It was divided into two parts. One part, consisting of Exchequer-bills, was called the unprovided debt; and the other part, existing merely by anticipation of the funds, by which at a limited period it was to be discharged, was called the provided debt. When he spoke of the reduction of the unfunded debt, it would be understood that he alluded only to that part of it which was unprovided. To the unprovided debt no addition had been made since the date of the report of the bullion committee; on the contrary, it had been made the subject of gradual reduction. On the 5th of January, 1819, the unprovided debt stood at 19,480,000*l.*; on the 5th of January, 1826, it stood at 6,139,000*l.* The chief reduction in the amount of this debt took place in the first three years after the recommendation of the bullion committee. In 1820, 1821, and 1822, it was reduced 10,000,000*l.*; and, in 1823 and 1824, it was reduced 3,000,000*l.*, making a total reduction of 13,000,000*l.* Did this gradual reduction of the amount of debt exhibit any inattention on the part of Government to this important subject? The question raised by the hon. member was this—whether it would have been wiser for ministers to have funded the Exchequer-bills, or raised money to pay them off, or to have adopted those measures which had relieved the country from a portion of taxation, and enabled us to enter upon a more liberal system of commercial policy? It was impossible that Government could have adopted both plans. If they had funded the Exchequer-bills they would thereby have been prevented from pursuing the other advantageous measures to which he had alluded. They could not row two ways at once. Was there any thing in the state of country which should have induced ministers to resort to the expedient of funding Exchequer-bills? The hon. member had indulged in some talk about Government being overwhelmed with Exchequer-bills, in consequence of their coming in as revenue. Now, during the few last years Exchequer-bills had been at a premium. So great had been the demand for them, that an opportunity presented itself, which Government would have been to blame to let pass, of reducing the interest on them. It was true that these securities had recently suffered a depreciation of value; but it was impossible that Government could anticipate the late convulsion. Ministers would



have been censured for imprudence, if, instead of reducing the taxes, they had funded Exchequer-bills at a period when the state of the market presented no inconsiderable difficulties to such a measure. The whole amount of unfunded debt at present out-standing in the hands of the Bank and the public, might be called 30,500,000*l.* On the 5th of January, 1819, it was about 44,000,000*l.* For the sake of argument, he would suppose that the whole of that sum had been funded in any year since 1817, to see the way in which that proceeding would have operated on the public interests. If that amount, then, had been funded in 1818, when the price was 60*s.*, the country would have incurred a burden of 5,420,000*l.*; in 1819, when the price was 80*s.*, the burden on the country would have been 5,121,000*l.*; in 1820, when the price was 69*s.*, the burden would have been 5,035,000*l.*; in 1821, it would have been 4,126,000*l.*; in 1822, 2,692,000*l.*; in 1823, 2,469,000*l.*; in 1824, 1,017,000*l.*; and, in 1825, about half the last sum. Independently of any other considerations, the expense to which the country would have been put by the proceeding formed a reason for not funding the debt.—With respect to all that the hon. member had said about the embarrassment of the Bank, owing to their transactions with Government, he was sure it was completely fallacious. As a proof of this, he might mention, that when very lately the Bank found it necessary to make advances to the merchants, they did so unhesitatingly, and to a very considerable extent. He had now stated all that seemed to be necessary in reply to the speech of the hon. member (hear, hear).

*Mr. Baring*.—As to the question whether the unfunded debt was or was not too great, it depended on a variety of circumstances. It would have been a wise measure on the part of Government, when the stocks were at 95, to fund a portion of this debt. When it was known that they could not rise above 5 per cent. higher, and might descend 40 per cent., it was a piece of common prudence to seize the time. Every debt the Government was liable to pay, they should then have paid. No explanation had been given by the hon. member (Mr. Herries) of the difficulties of the Bank. It had been said that the Bank had shown the utmost readiness to come forward in order to relieve the public embarrassments; but, from the middle of November, they had been screwing the circulation of the country. The story told by the Bank, in the paper which he held in his hand, was—that during the bubble period they had a circulation of 21,000,000*l.*, on an average, down to the month of August. The exchanges going up, the Bank took fright, and in three months brought down their circulation to 17,400,000*l.* Was not then the Bank pressing upon the capital of the country for the purpose of relieving itself of the mass of choak? When they found the measure unbearable, the Bank was then said to come forward gallantly, after diminishing the circulation of the country 2,600,000*l.* in the space of a few weeks (hear, hear). This was the barometer by which the country circulation was regulated; and it was impossible to look at the consequences of the measure without condemning it. Some might say, that the Government were in fault, and others might lay the blame on the Bank; but no man who understood the subject

would hesitate to say that between them the blame rested. The symptom of the distress on the part of the Bank, was their selling Exchequer-bills. Though the amount might have been small, it had an effect on the market; for the Bank could not sell without creating an alarm beyond the occasion.—The advance made by the Bank on account of the dead-weight amounted to 8,000,000*l.* and, if suffered to run up, would reach 13,000,000*l.*: he (Mr. Baring) would suggest to the Chancellor of the Exchequer, that as the price of stocks was the same now as when the negotiation on that subject took place, the Government should take this dead-weight concern out of the hands of the Bank.

The Chancellor of the Exchequer said, that if the hon. member (Mr. Maberly) had gone as far back as 1816, he would have found that on the 5th January of that year, the unfunded debt amounted to 61,000,000*l.*; and that on the 5th January, 1826, it amounted only to 31,000,000*l.*, having been reduced nearly one-half. The hon. gent. might say that this was not a sufficient reduction, but it afforded some proof, at least, that the Government had not been inattentive to the reduction of this debt.—As to the transactions of the last three years, in which he (the Chancellor of the Exchequer) was concerned, the hon. member (Mr. Baring) had unfairly represented them. In 1823, when the hon. member said the Government should have funded, and thereby effected a saving, the three per cents. were not, as he represented, ranging between 90 and 100, but had been so low as 72; and he (the Chancellor of the Exchequer) would have acted absurdly to propose to fund at this price. The hon. member had stated that no attempt was made to reduce the unfunded debt in 1824: this he denied. When the unfunded portion of the debt was at a high premium, funding was not an easy operation. When the securities were at a premium of 60*s.*, people would not part with them without some advantage being offered (hear). It would, besides, have been inconsistent in 1824 to fund a mass of exchequer bills, whilst Government was reducing the four per cents. It would have been a manifest inconsistency to do any act which would lower the funds at such a time.—The subject of the deficiency bills, to which allusion had been made, was, perhaps, not well understood by the house. The nature of those bills was this:—There was a certain portion of the current expenses of the country payable at the end of every quarter. These payments were charged on the consolidated fund, the guarantee of the public creditor, and composed of the aggregate of almost all the taxes. These taxes were paid into the Exchequer from day to day, and greatly exceeded the amount of the charge. The total amount was about 45,000,000*l.*; the charge was about 35,000,000*l.* The difference between the charge and the total amount was applicable to the payment of the annual supplies. But only a proportion of it was applied each quarter, and the greater part of the charge did not accrue till the end of the quarter. If no use was made of the money, it was formerly paid into the Bank; but of late years it had been deemed advisable that the public should have the benefit of the employment of their own money. Hence there was a diminution at the end of every quarter of the amount of money appli-



cable to the payment of dividends then accruing; and this called for an advance from the Bank to the amount of the difference. This advance was made on the credit of exchequer bills; and such was the history of the deficiency bills. But in 1823, the receipts of the revenue had so increased, that there was scarcely any necessity for these deficiency bills, for all demands upon the Exchequer were promptly met. In 1824, it appeared that it would be desirable to apply 4,000,000*l.* of the growing produce of the revenue to the reduction of the permanent unfunded debt. This measure, when proposed to the house, was approved—the hon. members for Aberdeen and Abingdon (Messrs. Hume and Maberly) joining in that approval. Then in October 1824, 1,000,000*l.* had been appropriated to this object; in March 1825, another million; in June 1825, another million, besides 3,000,000*l.* paid to the public; so that, since October 1824, the debt had been reduced 6,000,000*l.* But for these payments made to the public, the deficiency bills of the 5th Jan. 1826, would have been almost nothing; so that the hon. member (Mr. Baring) was not justified in charging ministers with neglect and incapacity in this matter. He should be extremely mortified if the house disposed of this question upon the point of form; and would much rather at once go into the merits. If the house agreed in the opinion of the hon. mover, he (the Chancellor of the Exchequer) could no longer be fit to be a finance minister. If such was the opinion of the house, hon. members were bound in duty to declare it; and he should endeavour to submit to the consequences with the best grace that he might be able (cheers).

Mr. Hume said, that if he (Mr. Hume), personally calculating the full extent and value of all he owed in the world in the year 1819, found it amount to 20,000*l.*, and after applying a sinking fund for six years to liquidate it—viz. up to the year 1825—found it then amount to 22,000*l.*; the inference, which it would be rather difficult to get over, would be, that he had lost 20,000*l.* by his liquidating operation. Then, what would be true as to the debts and accounts of an individual, must necessarily be true as to the debts of a nation; and let the house observe the course of calculation which had been taken by his hon. friend. On the 5th January, 1819, the value of the whole debt of the country—funds at 3 per cent. 4, and 5—long annuities and annuities for lives—in fact, all the claims to which the nation was liable—as valued by the public accountant, amounted, in present money, to 832,000,000*l.* That sum, in currency, would have cleared the kingdom from the principal debt; and the yearly amount of interest paid was 29,000,000*l.* Now what was our situation when our sinking fund had been seven years at work—in 1826? Why we had had an increase of revenue over expenditure to the extent of 19,000,000*l.*; this was exclusive of a sum of 500,000*l.* received from the East India Company, and another sum from Austria of more than 2,000,000*l.*; and yet the value of the whole amount of our debt, including the funds, annuities, dead weight, and every thing which in 1819 had been 832,000,000*l.*, was now 893,700,000*l.*, being an increase, as regarded principal, of 61,700,000*l.*; and the interest which we paid was increased by about 31,000*l.* a year. Then where was our surplus of revenue, 19,000,000*l.*? Where was the mo-

ney that had been borrowed? It was all lost. These were the advantages and bounties of the sinking fund. In 1819, when our taxes had been increased 3,000,000*l.*, to support that common delusion, the country had been told that, upon calculation, if it were maintained and held sacred, in ten years it would reduce 70,000,000*l.* of the debt; instead of this, its operation during seven years had been to add to the debt considerably. The hon. gent. spoke of fallacy and confusion; it was the fallacious system upon which this fund proceeded,—the buying with the right hand and selling with the left,—that threw the whole accounts of the country into a state in which it was almost impossible to comprehend them. In 1822, a loan had been contracted for with the Bank of 13,000,000*l.*, in which we had given 100*l.* 3 per cent. stock, for every 73*l.* 5*s.* in money that we received. What followed? The commissioners of the sinking fund carried this 73*l.* 5*s.* into the market, and bought stock, paying 90*l.*, 95*l.*, and even 100*l.*, for that which we had sold for the 73*l.* 5*s.* Here was a loss of no less than 15*l.* per cent., upon the average, upon the sum paid up, which was 8,000,000*l.*—The whole system was one which called for change—a change in the management of our financial scheme, and in the manner of making up the accounts. The only real source of a sinking fund was surplus revenue: within the last seven years, our surplus revenue had been 19,000,000*l.*; and the commissioners of the sinking fund had bought and sold, and transferred, and retransferred, stock within that time to the amount of 117,000,000*l.*!—He now came to the manner in which the unfunded debt of the country was managed, which was just as satisfactory as the rest. The rt. hon. gent. made much of the mischief which the issues of the Bank paper had done to the country—how came it that they said nothing of their own excessive issues of Exchequer-bills, which had done ten times more towards deranging the money-market, and producing the causes which had led to the late distress? In 1817, they had had 49,000,000*l.* of Exchequer-bills out; in 1818, they had issued 12,000,000*l.* more; making 61,000,000*l.* If the issues of Bank paper had raised prices through the country, what must have been the effect of such an issue as this? In 1819, the Exchequer-bills out had been 48,000,000*l.*; 14,000,000*l.* having then been paid off. But why had not ministers funded their Exchequer-bills in 1825? Why had they not funded at least a part of them, as they had been so vehemently pressed to do? To this question no answer had been made.—The subject generally required the closest consideration of the house, and the hon. member had done perfectly right in bringing it forward.

Mr. Maberly declined pressing a division, and the resolutions were negatived.

### *Funding of Exchequer Bills.*

MONDAY, APRIL 17.—The Chancellor of the Exchequer, in a committee of ways and means, rose to propose certain resolutions respecting the funding of Exchequer-bills, a measure which had been adopted by ministers for the purpose of relieving the Bank from a portion of the advances which had been made to Government, and of diminishing the amount of Exchequer-



bills in the market. In pursuance of that plan, Government had, in the course of last week, sent a proposal to the Bank, stating the nature of the measure, and explaining that it was intended to fund Exchequer-bills, by creating a new stock, which should yield 4 per cent., fixing the amount of stock at 1071. for each subscription of 100l. Exchequer-bill, or 100l. 10s. cash; and it was further proposed, in order to make the proposition more acceptable, that the stock should not be redeemable in less than seven years. In consequence of this measure, books were opened at the Bank on Wednesday last, and it was fixed that the interest should commence on the 5th of April current, and that the first payment should be made on the 10th of October next. The total amount proposed to be subscribed for was 8,000,000l. He was happy to state that the measure had been most successful; 8,000,000l., or nearer 9,000,000l., had been purchased; and he had no doubt, that if the transaction had not been closed, a still greater amount would have been subscribed for. All that remained now was, to state the charges which would be created by this funding of Exchequer-bills, and to propose the resolutions which he meant to submit to the house. The addition thus made to the funded debt would be 8,560,000l., the interest on which would amount to the annual sum of 342,400l.; the addition of the sinking fund would be 5600l., not upon the stock created, as the only sinking fund necessary would be 1 per cent. upon the funding and capital created, making a total of 350,368l., including 2368l. for the management of the concern. The two sums of 5600l. and the 2368l. he did not mean to meet by levying a new tax, but he proposed to place it to the account of the consolidated fund. It was not necessary for him to go farther into explanation, as it was not probable that the house would be disinclined to confirm a bargain which was so fair for the Government and the country. The rt. hon. gent. concluded by moving several resolutions, which merely repeated the condition of the subscription.

Mr. Irving asked, whether any arrangement had been made for including in the payments to be made to the Bank the sums they had disbursed in the purchase of Exchequer-bills in the early part of the year?

The *Chancellor of the Exchequer* replied, that there was no specific time named in the engagement, but the payments would be made at such times and under such circumstances as the state of the currency and the demands of the Bank would render desirable to the Government, and useful to the country.

Major Maberly asked a question as to the amount of sinking fund required for the new stock.

The *Chancellor of the Exchequer* said, that the principle of the sinking fund was, that it should go on to accumulate at compound interest until it made 1 per cent. upon the whole debt, funded and unfunded; but these Exchequer-bills had been already provided for in that way, as unfunded debt; so that the only thing to be now provided would be, for the difference between the amount of those bills as unfunded debt and the stock which they made when funded.

The resolutions were put and agreed to.

### *Management of the Public Debt;— Bank of England.*

Mr. Greenfell rose to move for accounts, first of the balances of public money in the hands of the Bank of England; and next of the charges for the management of the public debt, and other services performed by the Bank for the public. It was, perhaps, in the recollection of some persons who now heard him, that when he had first called the attention of parliament to the affairs of the Bank, the production of these accounts was resisted not only by that corporation, but also by the then *Chancellor of the Exchequer*. After, however, a two or three years perseverance in calling for them, the resistance at length gave way, and on every successive year they were yielded without a struggle. Nevertheless, when he considered the approaching period of the expiration of the charter—a charter which he hoped and trusted would not be renewed—he thought that he might be allowed to say a few words, for perhaps the last time, on the state of their affairs. He remembered that at one time the average amount of the public balance lodged in the Bank for current use, in the same manner as any gentleman kept his cash account at his private banker's, amounted for 10 or 12 years to no less a sum than 11,000,000l. or 12,000,000l. a year. Of late years this amount had considerably decreased. In 1821 it was diminished to 3,900,000l. In 1822 it rose again to between four and five millions; in 1823, to between five and six; in 1824, it had advanced to above seven millions. He was quite sure, that no man at all conversant with business would deny the advantage which these balances must in a pecuniary point of view confer upon the Bank; and he must repeat what he had often before asserted, that the nature of the service performed by the Bank for the public, as compared with the profits accruing from the use of such large deposits, was so trifling, as hardly to admit of calculation in any proper settlement of these transactions. It was right to call attention to this circumstance, for when the expiration of the Bank charter arrived, it would be for the Government to consider what bargain it would renew for the transaction of the public business with the present Bank, (for he thought it would still be preferable to deal with them); or whether a second bank on a large scale would agree to give the public a large participation in the profits arising from heavy balances in hand, and take such a sum as 10 or 20,000l. a year for the management of the national business. At all events, whenever the bargain was made again, the public ought to receive a large participation in the profits derived from the use of millions of their own money. Let them consider how the public cash account stood at the Bank of England. The Bank had advanced 15,000,000l. the whole of its capital, to the public, at 3 per cent. interest, and this large premium they were receiving for the year 1824, while they actually were holders of nearly seven millions and a half of the money of that same public. Surely there ought to be a balance of mutual profit struck under circumstances like these. The next subject that he wished to refer to was the allowance made by the public to the Bank for the management of the public debt; the trouble of this management consisted in the daily transfer of stock, and the payment of the annual divi-



deads. It was due to the Bank to say, that the whole of this business was invariably performed with promptitude, exactness, and diligence; that in fact nothing could be better done; and there was only one complaint to be made respecting it, which was, that the price for the work was much too high. When the charter should expire, he hoped this matter would also be taken into the consideration of Government before they renewed the contract; indeed, on an equitable revision of this part of the bargain, the public ought to save 250,000*l.* a year.—He concluded by moving for the returns.

Mr. *Pearse* had no objection, on the part of the Bank, to the production of these accounts; but he would not on the present occasion go into the merits of the public bargain with the Bank, or the terms which ought to accompany the continuance of their charter. He hoped that important subject would be gravely considered by Government, not as regarded the interest of the Bank itself, but as would best serve the Government and the country. They would at least come to the discussion with the full knowledge of the eminent services performed by the Bank for the public, when that corporation had stood in the gap, and effected what, upon emergencies, legislative interposition would have failed to accomplish. As to the allowances of the Bank, it would be time enough to discuss their amount when the charter was under consideration; but when the hon. gent. thought proper to estimate the services performed by the Bank, he should not have kept back (though no doubt, unintentionally) the immense risks and losses which they incurred, and could not guard against, in transacting the public business. On a late occasion they lost by the forgeries of a single person (Fauntleroy) above 200,000*l.*, and this, too, in the execution of the public business, and so contrived by the individual, that although the strictest inquiry was made into the conduct of the Bank clerks, in no single instance could negligence or impropriety be attributed to one of them for it. He hoped, that when the proper time for discussing the renewal of the charter arrived, their deliberations would not be governed by passion, but by the principles of reason and sound sense.

Mr. *Hume* concurred in the hope that they would be governed by sound principles, for then they would see that the time had come when all these exclusive charters ought to be abolished, by which the community at large always suffered for the gain of a few.—As the word "lottery" was introduced in the accounts now called for, he was anxious to know how it had happened that the pledge given by Government two or three years ago for the extinction of lotteries in that year had not been fulfilled? It seemed to him that these lotteries would be carried on perpetually; two of them were still advertised. How, he asked, had this happened?

The *Chancellor of the Exchequer* replied, that when he had moved the resolution in 1823, upon which the lottery bill was founded, he was not sufficiently aware of the mode in which these lotteries were practically conducted. It was never the custom he had since ascertained, that they should be drawn in the same year, for the service of which they had been voted—the consequence was, that the lottery for one year spread over one or more future years, and hence arose the apparent inconsistency between the pledge he had given, and the fact which the hon.

member had stated, of the prolongation of the lotteries. There were now, however, only two of them remaining to be drawn, which must be concluded within the present year, and he pledged himself that they should be the last (hear, hear).

The accounts were then ordered.

### *State of the Nation\*.*

THURSDAY, MAY 4.—Mr. *Hume*, in rising to submit a question on the present state of the country, claimed a large share of indulgence. On former occasions, the subject had been introduced by individuals, whose talents and consequence entitled them to attention; but as he possessed no such claim, he would crave the favour of their patient indulgence while he laid before them those statements of which he had given notice for more than two months before. On other occasions the object of such motions had been to remove those ministers, whose conduct was impugned in the resolutions they were called upon to adopt. He disclaimed, however, any such intention. The resolutions were worded in the manner he thought fittest to convey the full sense of his view of the subjects they embraced; but as far as his Majesty's present ministers were concerned, although he regretted they did not go to the full extent of what he considered necessary with regard to the expenditure of the country, yet he had no desire to procure their removal from office. On the contrary, he gave them credit for the liberal course of policy which had lately distinguished their administration; and had, he believed, on every occasion, save those connected with the public expenditure, given them his earnest support. He had, however, for a considerable time, taken a view of the country very different from that which seemed to guide their policy, and which induced them to continue imposing a rate of taxation much greater than their resources enabled them to bear. His desire now was to remove from their minds the erroneous impressions they had taken up on that subject, and to shew that the course which they were pursuing would, if not checked, bring ruin and misery upon every class in the kingdom. By the courtesy of the Treasury, he had been enabled to gain access to the documents which were necessary to illustrate his argument; and the result of his inquiries being printed, could be had at the Vote-office, by any individual who felt himself interested in the subject. It was his purpose to go into an inquiry on every thing contained in these statements, except that part relating to the Sinking Fund, which he considered so important and so intricate, that he proposed to leave it for future investigation, when it could be taken without being mixed with any extraneous matter.—He would begin by taking, for the illustration of his subject, the period from the 1st of January, 1817, to the present time, although the Chancellor of the Exchequer had, for what good reason he knew not, drawn his comparisons first from Jan. 1816 to 1823; and at ano-

\* This speech, which has been very imperfectly reported, owing to the minuteness and extent of the calculations, will be best understood by referring to the hon. gent.'s resolutions, *post*, p. 170.

ther time, from 1819 to the present period. He proposed to take his comparisons from the 1st of January, 1817, because that was the period when the Exchequer accounts were freed from that obscurity which had been so long a disgrace to the country; for, whilst the accounts of England and Ireland were balanced together, it was utterly impossible for the most practised accountant to understand them. The first resolution which he would submit was one negating the assertions of the Chancellor of the Exchequer on the 23d of March, 1823, that there had been effected a reduction of 24,766,520*l.* in the capital of the funded debt, from the end of the war to January 1823; and, again, that there was a further reduction of the public debt of 18,401,000*l.* between January 1823 and January 1826, making together a total reduction of 43,167,520*l.* in the capital of the debt since the war. Taking this period of nine years, he was prepared to show, from reference to documents, which would show the real state of the question, and on which he would put no construction, either favourable or unfavourable, to the particular views which he might entertain, that these documents only shewed a decrease to the nominal amount of 27,327,780*l.* This would appear from the following statement:—In 1817, the public debt of the united kingdom, funded and unfunded, was 846,765,078*l.*; this total was made up of the funded debt; the amount of which was 796,200,291*l.*; and the unfunded debt, of which the total was 50,564,787*l.* The total of the funded debt on the 5th of January, 1826, was 778,128,268*l.*, and the total unfunded debt 41,309,030*l.*, thereby making the total funded and unfunded debt 819,437,298*l.* The result would then be, a decrease since 1817, of 27,327,780*l.* Having stated the amount of the decrease in the capital, he would next proceed to an important consideration—the reduction which had taken place in the charge of the debt. The charge of the funded debt, as it stood in 1817, was in round numbers, 23,870,000*l.*, and in 1826, 27,679,000*l.*; and the charge of the unfunded debt, on the 5th January, 1817, was 2,051,242*l.*, and on the 5th January, 1826, 1,256,482*l.*, making the total reduction of annual charge for funded and unfunded debt, of 2,985,757*l.* Of the aggregate amount of the capital of the public debt reduced, there had been effected a reduction in the proportion of 18,072,029*l.* in the funded debt, and of 9,255,757*l.* in the unfunded debt; and further, of the 18 millions of funded debt reduced in the nine years, the capitals cancelled amounted to 6,934,285*l.*, which left only 11 millions of funded, and 9 millions of unfunded debt, which left an aggregate reduction of only 20,393,495*l.* This appeared from the capitals cancelled, which, without reference to loans, were cancelled; for life-annuities, 5,730,212*l.*; for land tax redeemed, 805*l.*; unclaimed, and purchased with unclaimed dividends, 185,542*l.*; 5 per cents. paid off, and by transfer of capital from England to Ireland, 129,789*l.*, which gave the amount he had stated at 6 millions in round numbers. The hon. member then went through an elaborate calculation, shewing that the total reduction of the charge on the unfunded debt was only 2,242,716*l.* After all that had been stated respecting the great reduction which had taken place in the annual receipt of taxes, it appeared from the public account, of the nine years which he had taken as the

period of his calculations, there was very little variation in the receipts of these years. The total amount of the revenue, from 1817 to 1825, amounted to 531,000,000*l.* in round numbers. The total amount of the expenditure, during the same period, was 508,000,000*l.*, leaving a surplus of 23,000,000*l.* Adding to this the sums by the East India Company and by Austria, and 7,000,000*l.* from the Bank, in part payment of the 45 years' annuity, the total surplus would appear to be nearly 26,000,000*l.* The expenses of the military and civil establishments were 234,000,000*l.*, and this he thought should be regarded with feelings of great interest by the representatives of the landed interest, who were now so keenly alive to the question of the corn laws. If they examined this subject as it deserved, they would find another cause than that to which it was attributed for the distress of the country, in the enormous expenses of those establishments. When the country gents had looked at their amount, he would ask them whether they thought that their exertions to lessen the burdens of the nation entitled their present complaints to any attention (cheers). He now asked the house to look at his ninth proposition, which stated, that although the excess had only been 26,000,000*l.*, yet in the finance accounts 125,000,000*l.* appeared to have been applied to the reduction of the national debt. It was too absurd for refutation to attempt to assert that there could be any sinking fund but surplus. The error which Mr. Pitt had fallen into, and the delusions of Dr. Price, might have produced the most mischievous consequences to the country, if they had not been put a stop to. It was possible that a small state, like that of Genoa, for example, might employ its surplus revenue in purchasing the securities of other nations, by which they might obtain a larger rate of interest than in any other country; but it was obviously impossible that a traffic which must begin and end with England could produce any real benefit to the Government, or relief to the nation. He would shew that an actual loss had been sustained by the public of 35,000,000*l.* solely by their dealing in their own securities. The ministers of 1793, whose system was to borrow twice as much money as was wanted, imagined that they were supporting the public credit by loans, when in fact that credit could only be supported by a real surplus in the money market. It became the duty of Government to put an end to the juggling system of the sinking fund, and with it all that unwarrantable and ruinous speculation which it had given rise to. He would give the house an example of the strange mode in which the financial measures of the country had been conducted. In 1819 the Chancellor of the Exchequer gave notice that he would require a loan of 24,000,000*l.* Three sets of persons were bidders for the loan. It was necessary for each party to sell stock, in order to be prepared to pay the instalments on the loan, if these offers should be accepted. This was done on the day preceding the morning when the biddings were to take place, and the consequence was a depression of the funds. When the time for bidding arrived, the offers made bore reference to the prices of the preceding day, and averaged about sixty-five. It happened, however, that the hon. member for Penryn advised the Chancellor of the Exchequer to take 12,000,000*l.* from the nominal sinking fund of 17,000,000*l.* to transfer



the sum from one side of the book to the other, and to borrow only 12,000,000*l.* The Chancellor of the Exchequer adopted the advice, and as soon as it was known that only 12,000,000*l.* were to be raised by loan, the bidders advanced their offers to 69, making a saving of 3,000,000*l.* to the public. He trusted he had said enough on the subject of the sinking fund to induce the house to give him a hearing on some future occasion, when he intended to propose the abolition of the system. The loss arising from the complicated system of the sinking fund would have been decreased if the surplus revenue and other resources had been applied year by year, to the purchase of stock at the average rate of the respective years; and if further proof were wanting of the ruinous system of finance so fatally persisted in, of supporting a sinking fund by loans, the result of the last loan from the Bank, called the dead weight, would furnish indisputable evidence. By that loan, the public debt was increased in 1823, equivalent to the amount of 9,476,110*l.* of three per cent. stock, and the annual charge of 284,283*l.* in perpetuity; whilst the commissioners of the sinking fund applied a corresponding sum to the purchase of 7,808,188*l.* of three per cent. stock, at the rate of 88*l.* of money for 100*l.* stock, cancelling an annuity in perpetuity of 225,745*l.*, by which transaction there had been an actual loss, or addition to the debt of the country, of 1,617,922*l.* of three per cent. capital, and 58,539*l.* of annuity in perpetuity. The country was in a situation which demanded immediate attention from the house; and attention to the only means which existed for its real and permanent relief—to wit, a diminution of the burdens under which it was labouring. While the value of every species of British produce was daily decreasing, our public charges were either at a stand, or growing higher every day. If the quantity of our exports was increasing, their value was decreasing: the remuneration to the producer, or manufacturer, for his capital and labour grew every year less and less. This might be seen by reference to the returns before the house, care being taken that hon. gents. were not misled by the mode in which the accounts were stated. There were two columns referring to value in the returns of exports; one shewing what was called the "official value," which was deduced from the quantity of goods, and the other the "declared value," which contained the amount (with reference to price) actually set upon them. Now, of thirteen of our chief articles of export, the average "official value" for the years 1814, 1815, and 1816, was 36,562,367*l.*, and the "declared value," 44,476,519*l.*; for the years 1823, 1824, and 1825, the average "official value" shewed an increase, being 45,890,927*l.*; but the "declared value"—what was that? Only 36,782,934*l.*, being a diminution exceeding 25 per cent. after allowing for the difference in the value of money for the two periods. The country gents. said that the taxes could not be raised unless their rents were supported: he (*Mr. Hume*) must be pardoned for telling them that he considered them—talk of paying the taxes—perfectly useless in the scale of production (*laughter*). All the half-pay people; all the pensioners; all who received salaries, payments, or allowances of any kind, for which they did not work, were useless in the work of providing for the support of our 58,000,000*l.* of taxes. The hammer—that wielded the

hammer—that managed the loom and the sail—were the only productive hands in the country; all the rest were useless. The finance committee of 1817 had called the attention of the house to the establishments of 1792;—what attention had been paid to that recommendation? The charges for the army and navy, and the civil list, stood at 26,000,000*l.*, four times their amount in 1792. It was the increasing number of pensioners and idle hands—the increased sum taken from those who did labour to maintain those who did not, that really crushed the productive interests of the country. Rt. hon. gents., when reduction was mentioned, objected to the year 1792. Why, they asked, were we to go so far back as the year 1792? But when it was a question of increase of expense—on the debate as to the salary of the President of the Board of Trade, the other night,—then there was a different opinion; and the rt. hon. sec. (*Canning*) had found no objection to going, for a precedent, so far back as the year 1782 (*hear, hear*). Having said thus much by way of preamble (*laughter*), he could assure the house, that he was only now just arriving at what was material in his speech (*excessive laughter*). It was a matter, however, for serious consideration; for if things went on in their present condition, some serious catastrophe would, before long, put a stop to them. It had been asserted over and over again in that house, that there had been a diminution of taxation to the amount of 27,000,000*l.* a year, since the termination of the war; no statement could be imagined more delusive and fallacious. He granted that the taxes had been modified; that some had been cut off which produced nothing; that others which produced little had been turned to good account. The taxes had been made in so far less oppressive, that they had been brought to bear more evenly than before upon the country; but, with reference to the amount actually raised, looking to the difference in the value of the currency, there was an increase, rather than a diminution, since the year 1815. The average amount of taxes raised in the years 1813, 1814, and 1815, was (annually) 69,010,227*l.* But this, it must be recollected, was 69,010,227*l.* of paper—not exchangeable into gold at less than 5*l.* per ounce. In money of the present day, that 69,010,227*l.* of paper would be found equal only to 53,741,714*l.*; the average for the last three years was 52,430,765*l.*—showing a decrease in amount of 1,310,919*l.* only, instead of 27,000,000*l.* And, in fact, this statement did not go far enough. Looking at the price of labour at the two periods, there was no diminution at all in the amount of taxation, but actually an increase. For the money amount of taxes during the years 1813, 1814, and 1815, was only equal, at the prices of that time, to the purchase of 15,853,926 quarters of wheat; while the present taxes, at the prices of 1823, 1824, and 1825, were equal to the cost of 17,434,546 quarters, being an increase of 2,000,000 of quarters, supposing the taxes to be paid in corn, or 13 per cent. upon the whole. Looking to the years 1817, 1818, and 1819, the amount of taxation was greater now by near 700,000*l.* a year (in money) than it had been in those years. The general pressure upon the country was—so far from having been at all lessened—actually greater at the present moment than it had been ten years since. That

the continued pressure of taxation had greatly increased the privations and distress of the productive, industrious, and labouring classes of the community, was manifest from the stationary, if not diminished, consumption of many taxable articles of primary necessity, as well as of enjoyment and luxury, notwithstanding a great increase in the number of consumers. The *rt. hon.* the Chancellor of the Exchequer had come down to the house in 1823, and, in a speech which would long be remembered, had called upon Parliament to sanction the existing system of taxation on the ground of the highly prosperous and flourishing condition of the country. Looking to the increase in the consumption of all taxed articles as regarded that year over the three years preceding, although that was far from being a fair mode of taking the question, the *rt. hon. gent.* had seen cause for nothing but exultation. But what was the real state of the country as to the consumption of these excisable articles, not looked at with a view to any difference between one year and another, but looked at with reference to the amount of that consumption at the present day, and twenty or thirty years ago? No one could look back to the former and the present state of the agricultural peasants, and not be convinced that they were in a worse condition than formerly. The real secret was, that taxation deprived them of the fruit of their labours; and yet the Chancellor of the Exchequer, year after year, deluded the country with his statements respecting the diminution of taxation. (The *hon. member* then read a statement given by the *rt. hon. gent.* last year, respecting the reduction of duty on excisable articles.) On malt, he said, there had been a reduction of 50 per cent. as compared with 1816. Now he could not excuse the *right hon. gent.* for making a comparison which he must consider unfair. The fact was, it would be seen by a reference to the resolution No. 36, that in the last forty years there had been a decrease of consumption, although the number of consumers had been increased 40 per cent. The number of bushels of malt annually consumed, from 1785 to 1794, was 25,751,775; and the average annual consumption for the ten years ending 1824, was only 25,246,940 bushels, being an actual decrease of more than 500,000 bushels per annum. There was therefore a reduction of 40 per cent., instead of an increase of 50 per cent. Nor was it fair and candid to compare a year of depression like 1816 with a year of excitement like 1825. Let the country gentlemen look also at the fact, that when the rate of duty was increased, the consumption diminished; and he (*Mr. Hume*) was sure if they would assist him in forcing ministers to reduce the expenditure, and restore the duty to what it was, the consumption would increase. With respect to the next article,—distilled spirits,—the consumption of these, it was commonly believed, had increased, but the contrary was the fact. The *rt. hon. gent.* had stated there was an increase to the amount of 53 per cent., whereas there was a decrease. The consumption in the period from 1793 to 1795 was greater than during the last three years. The quantity of spirits distilled in England and imported from Ireland, during the last year, was less than in 1806. Including the foreign spirits (brandy, rum, and geneva), there had been a considerable reduction. The average for the last five years was 12,110,281

gallons per annum; for the five years ending 1810, 13,059,522 gallons. Some persons thought a diminution in drinking of spirits was desirable; but he thought that, in this climate, spirits were necessary. He would next look at the luxuries of the rich: the quantity of foreign wines charged with excise duty in 1801, 1802, and 1803, was, on an average, 7,661,270 gallons; in the four years ending 1822, only 5,223,326 gallons; showing a diminution of 2,437,944 gallons yearly, or about 30 per cent. notwithstanding the increased number of consumers; and that there was at least 10 per cent. of inferior Cape wines charged with duty in the aggregate quantity of the last period. Whilst the rates of duty levied on foreign wines were, in the four years ending 1822, 30 per cent. higher than in the three years ending 1823, there was in the same period a reduction in the quantity that paid excise duties of about 30 per cent.; and the amount of revenue received was less in the period of high duties. Another item of prime importance was sugar. He had shown, by a table prepared from the official returns, that in the nine years ending 1816, after deducting 1,600,000 cwt. used for distillation, there was an annual average of 2,406,801 cwt.; and in the nine years ending 1825, an annual average of 2,593,340 cwt., equal to about 7½ per cent., though the population had increased 17 per cent. When, two years ago, he (*Mr. Hume*) had proposed a reduction of the duty on sugar, he was satisfied that the revenue would not be prejudiced, but that all parties would be benefited. It was, in his opinion, a most injurious plan to let a duty, proposed in a time of war, continue in a time of peace. He now wished to bring before the house a specimen of the manner in which the Chancellor of the Exchequer endeavoured to persuade the people to bear the burden of taxation. (The *hon. member* then recapitulated the heads of his preceding statements, observing that if he had committed the mistakes of which the *rt. hon. gent.* had been guilty, he should never have heard the last of them.) In respect to the increase in the article of candles, which the *rt. hon. gent.* stated was considerable, the way in which it arose was this—the labouring men, the artisans and weavers, used to leave off work at the close of day (a laugh); now they worked, instead of 10 hours, 12 and 14 hours: hence the consumption of candles. He would now proceed to consider the extravagance of Government, with reference to what was the feeling of the house in 1821, on the single point of the civil establishment. In the year 1822, the next after the vote of the house, the reduction of the payments into the Exchequer increased and continued to increase annually till the last year, when it amounted to upwards of a million beyond the expenditure of 1822. This was exclusive of other establishments. Such a statement was a complete proof that there was no desire to relieve the burdens of the country. It was lamentable to think of these burdens, with such a heavy tax for the half pay of the army. On looking at the number of officers on full and half pay, it would be found that it exceeded that in the year 1822 by a hundred. This was only to be attributed to the increase of patronage. The exact number of officers, from the colonel to the hospital-assistant, in the year 1822, was 13,721. In 1826, it was 13,827. Here was an increase, instead of a diminution, by absorption from the half-pay. It was there-



fore plain that the army was kept up for patronage, and to support idleness out of labour. He had expected to obtain an account of promotions which he had moved for, but which had not been produced; the object of this was to show the number taken from the half-pay, and the number introduced into the army. There were 6173 officers on half-pay. What other reason was there to continue appointments, but to afford the means of enabling his Majesty to bribe every family in the country? This was a plain intelligible fact. He ought to state it as a very baneful fact, that a large portion of the higher orders were so biased by means of this kind of patronage, that they acted in a very different way than they would if left to themselves. The rt. hon. Sec. for foreign affairs had, indeed, maintained that there should be an opening for the gentry of the country. But formerly the gentry found employment for themselves; though now the country was obliged to provide cadetships and appointments for them; and hence the heads of families were prevailed upon to vote for the ministers. Let the house next look to the navy. In 1793, the officers in the navy amounted to 2063; in 1823, besides admirals, vice-admirals, and rear-admirals, there were 829 captains, and 3720 lieutenants. In the present year, with the advantage of taking in meritorious officers who had signalized themselves during the war, there were nearly the same number of lieutenants, namely 3689; but there were 838 commanders, so that the quality made up for the quantity. Now there was required only 828 officers for the fleet when afloat; so that there was seven times the number required, or sufficient to officer seven fleets at sea. The number of appointments in 1816, was 142; in the last year they were 294. The whole number from 1816 to 1826, was 1534, although there were 5000 officers. Could any one say that these appointments were for the good of the service? Surely not; it was patronage alone which kept up the establishment. On the other hand, the marines were treated in a very different manner; yet if it was fit that one branch of the naval service should be kept in an efficient state, why not the other? In the commissariat and other departments, the expense had not been reduced as a time of peace would have warranted. And, from all the premises which he had laid down, he came to this conclusion, that when there was such a demand, such a drain, on the industry of the community, poverty and wretchedness must be the inevitable consequence. It was quite evident, if this state of things continued, that the whole population, except those who lived by the taxes, must, ere long, be plunged into a state of deep distress. The effect of the system which had been so long pursued, was, he thought, correctly described in the 45th resolution. But since he had arrived in the house, a paper had been laid on the table, which shewed that pauperism prevailed to a greater extent than he had adverted to in his resolution. He spoke of the increase of pauperism with reference to the "money account," but the paper which had been recently laid on the table adverted to the "numerical" extension of pauperism, and placed the picture in a more appalling light. This proved that the comfort and happiness of the people had not increased, and was in direct contradiction to the statements which the rt. hon. gent. had, year after year, made to that house. That crime had latterly increased in a

most alarming degree, no man could doubt who took the trouble of looking at what passed around him. The statement contained in No. 46, put that melancholy fact out of question. It would appear from that resolution, that the commission of crime had increased, in a nearly quadruple degree, between the years 1803 and 1825. Now, it had always been held, that crime was the child of poverty and distress; and if that maxim were true, he had a right to assume that they, the legislature, who laid on the people greater burdens than they were capable of bearing, were the cause of this lamentable increase of crime, as their measures had created the existing poverty. The proceedings recommended by ministers, and adopted by that house, had deranged all the social relations of society. While the country was in a state of starvation, pensioners were allowed to riot on the industry of the people. When such was the real state of the case, it was in vain to suppose that those who abetted such proceedings were not doing mischief—it was in vain to hope that pauperism would not go on increasing. They had, therefore, much to answer for; and they ought, without delay, to set about relieving the country from its burdens. At the last Old Bailey sessions there were no less than 450 individuals set down for trial, many of them for petty thefts, arising purely from distress. It was perfectly evident, from a just view and consideration of the question, that pauperism and crime were produced by the laws which that house sanctioned. They demanded from the people, in taxation, an extraordinary and unnatural portion of the produce of their labour. Therefore, taxation was a primary cause of the sufferings of the country, which sufferings were further aggravated by the operation of the corn laws. Some things had, he knew, been done, which might assist the country in recovering from its difficulties; but, unless they did a great deal more—unless they put their shoulders to the wheel—nothing could prevent the country from sinking under its accumulated calamities. If they would but act prudently and consistently,—if they would retrench the national expenses,—they still had it in their power to save themselves and their country. But it was monstrous, after eleven years of peace, to keep up such enormous military establishments. And if war should happen to occur again, they would look back with regret on the opportunity which had been given to them to husband the resources of the country—an opportunity of which they had failed to avail themselves. He, for one, must acquit himself of having been negligent at that crisis. He had done every thing in his power to prevent the evils which now pressed around them (hear); and he hoped that the delusive statement of the Chancellor of the Exchequer would no longer blind the public to that which was the real fact (hear, hear). He could read extracts from letters which he then had in his pocket, the statements contained in which would harrow up the feelings of the most insensible. The distress which they described was truly appalling. The present was not a partial distress, against which no foresight could guard. It was a case of great and general privation, and it could not be accounted for, except by a great and general cause. Under all the circumstances, he would no longer call upon ministers to interfere. He entertained no hope that any real relief would originate with them. He would,

therefore—and he hoped the house would agree in the necessity of supporting the proposition—request his Majesty to adopt such measures as were calculated to rescue the country from its present perilous situation. The hon. member concluded by moving, “That an humble address be presented to his Majesty, praying that he will be graciously pleased to take into immediate consideration the present state of the nation, and direct an immediate inquiry into the causes that have produced such wide-spreading distress; and also that he will be pleased to direct such measures to be adopted as will terminate, as speedily as possible, the existing embarrassments.”

The *Chancellor of the Exchequer*:—“When I state to the house that it was about eleven o’clock this morning that I first saw the series of those resolutions to which the hon. gent., so much in detail, has called the attention of the house; and when I state, that those resolutions are no less than forty-five in number, and that they occupy 26 printed pages; that they embrace all imaginable questions of finance in all their complicated details; that they relate to matters concerning the funded debt, the unfunded debt, and the sinking fund; that they embrace also the general receipt of the revenue, divided, as it is, into such numerous branches; that they include every imaginable topic that can be introduced into such a question, I think the house will not be surprised when I say that it is absolutely beyond the physical powers of any man to enter fully into the discussion, and I shall therefore take the liberty of entreating the pardon of the house for saying, that with respect to by far the greatest part of that hon. gent.’s statements, I cannot attempt any explanation (hear, hear). When I received this morning the long series of resolutions which the hon. gent. has stated to-night, I had no conception that the conclusion of that hon. member’s address would be a motion like that which he has now proposed, namely—a motion to address the Crown praying that certain measures may be adopted, the first of which is the reduction of taxation. I say, sir, that I had no conception such would be the result of all his statements; and I do not hesitate to say, that I think it impossible for the house to act on what he has brought forward. When these papers containing the hon. member’s resolutions, were presented to me, I felt it to be my duty to read them with the view of seeing how far I could accede to them, and what portion of them I should be compelled to oppose. In doing this, I was, of course, struck with the first resolution, which, I find, charges me with having been guilty of making false statements to the house. (Some member was here understood to dissent from this statement).—That charge is certainly not made in direct terms; but what signify terms, when an imputation is in substance cast upon any one; and when the member making that imputation, both from the substance of what he says, and from the manner in which he says it, does in effect charge me with having been guilty, either of the most gross ignorance, or of practising a wilful and deliberate delusion and fraud upon this house? Sir, I beg leave most positively to deny either of these charges; and I add, that in that very resolution in which the hon. member makes this charge against me, there is a statement of his own of that very self-same kind (hear, hear). I will tell him what it is presently; but, before I do so, I must be

allowed to say, that it is a most unprecedented thing to charge a member of this house with having stated a deliberate falsehood; and to ground that charge, not on any thing which that member had said, but on a report—an unauthorized report—and on that alone. Yet on such an unauthorized report is this charge against me founded—on a report in which I am stated to have made certain assertions, in a speech delivered on the 3d of March, 1823. Now, sir, in the first place, I must observe, that I am not answerable for what is published of me. I did not revise the publication before it appeared, nor did I see it until after it had been published; and on such a report, I say, he has no right to charge me as he has charged me, with deliberate falsehood (cheers). I will not qualify the expression (cheers). I repeat, he has no right to charge me with deliberate falsehood (continued cheering). Sir, if that charge is true, I am unworthy to appear before this house, or to hold the situation with which I am at present entrusted, or, indeed, any situation in his Majesty’s Government (loud cheering). What does the hon. member say in the resolution to which I have alluded? The words of that resolution are as follow (here the rt. hon. gent. read the whole of the first resolution). Now, sir, I am ready to declare, that if the statements I am represented to have made are not consistent with the documents before the house, I am answerable for them; for those documents are certainly furnished by departments with which I have such a connexion, as to make me responsible for their accuracy. But, sir, the allegations in the resolution are founded on no such thing; I never said, that that reduction which took place between the termination of the war and the year 1823 was produced by the operation of the sinking fund. On the contrary, I expressly stated, that it was produced by other means (hear, hear); and when the hon. member charges me with practising a delusion and making false statements, and founds his charge upon unauthorized documents, it may not be amiss to let him see what even that unauthorized document really is. On the day to which his resolution refers, it was my duty to propose to the house certain resolutions, for the purpose of simplifying the operations of the sinking fund; and before I made the motion, I felt it would be proper to lay before the house a description of what was the actual state of the debt, and that I did in terms which, if he had carefully examined, he would have found that the words “sinking fund” were not used in any part of my statement to which his resolution refers. Before, however, I refer to the report of my statement, I must again observe, that I am not bound by words, the publication of which was not authorized by me.”

Mr. Hume said, he did not rely on the words stated in any publication to have been uttered by the rt. hon. gent.; he relied on the statements made by that rt. hon. gent. himself; statements of which he had a perfect recollection: for when the discussion was over he had gone over to the bench on which the rt. hon. gent. sat, and had pointed out to that rt. hon. gent. the errors of his statement.

The *Chancellor of the Exchequer* continued, “The statement which I am represented to have made was this: that “since 1816 there has been an actual diminution of the debt, which, although when compared with the whole



amount, is not of very great extent, is yet enough to shew that there has been a reduction which never could have been effected but by the application of a surplus revenue." I then, sir, proceeded to shew, that on the 5th of Jan. 1816, the amount of the funded debt, was 816,000,000l.; the amount of the unfunded debt, including Exchequer-bills, was 48,000,000l. Total debt in 1816, 864,800,000l. That on the 5th of Jan. 1822, the funded debt was 796,500,000l. The unfunded debt, including Exchequer-bills, was 43,500,000l. making a total for that year of 840,000,000l. which, subtracted from the total debt for 1816, shewed a reduction of 24,700,000l. The total stated is correct, but it is impossible that I should assign the reduction to the operation of the sinking fund; and, on the contrary, I actually stated enough to shew that the reduction was occasioned by other causes; but I did not use the words "Sinking fund," for I well knew that other circumstances had occasioned the reduction; and I purposely abstained from the use of that phrase, because I wished to avoid that delusion which I have been so liberally accused of practising on the house and the country. I repeat, therefore, that the charge of the hon. member is not in any way authorized by the statement which I have been described as making; and this he must have seen, especially if he had taken the trouble to quote the words of my statement correctly. But there is an anomaly in the hon. member's resolution, to which I wish to call the attention of the house. The resolution is in these terms (here the right hon. gent. again read the resolution). So that if you vote this resolution, which the hon. member has proposed, you must first condemn me on the charge of having made false assertions; and then you must come to a vote, declaring the truth of the facts stated in the resolution—a vote to which, perhaps, you may never come at all; but to which, unless you do come, you will have condemned me, and then have refused to credit the evidence on which my condemnation was founded. Surely, sir, I have a right to say that, at least, no charge was ever brought forward in so clumsy a manner. I confess I do not very much fear its consequences; or, I should say, that none had ever been introduced in so unfair a manner as that contained in the first resolution, which first proposes to condemn me, and then to examine the grounds on which I am to be condemned (hear, hear). This, however, is not the only instance in which that hon. gent. has framed his resolution in an illogical manner; for he seems so fond of being illogical, that he has made the other resolutions proceed in the same way, first condemning me, then proceeding to examine the grounds of my condemnation. The 31st resolution is another proof of this. The hon. gent. there again adverts to statements supposed to have been made by me; and after declaring my assertions to be fallacious, he concludes with referring to the grounds on which he makes the declaration. So that, upon this resolution, as on the former one, I appear to be condemned on proof, the accuracy of which is not to be considered till after my condemnation has been pronounced. Whether this is the mode of reasoning which, of all others, he has chosen as that by which he hopes to convince the house, I cannot tell, but I own that it appears to me utterly impossible that you should found any votes on such reso-

lutions. It is equally impossible for me to answer charges thus irregularly stated. God knows, it is difficult enough to follow, nay, perhaps I might be allowed to say, it is actually impossible to follow, the hon. gent. into his discursive statements, which have so little connexion between them, that I can only say, it seemed to me that the words of the poet were verified, and we might exclaim, "Chaos is come again." From the 31st I am obliged to go back to the 2d resolution; there again we may see the fairness with which he has proceeded, and the sort of inferences he has drawn from the facts which he has brought forward. This resolution is intended to dispute my statement, that the funded debt of 1816 has been reduced, in a certain manner, between that period and 1822. This statement he has alleged to be incorrect, and he has proceeded to show its inaccuracy, by reference to a period from which the state of the debt of 1816 is entirely excluded. The periods, then, of my statement and of his supposed refutation are not the same. He begins with the 5th of January, 1817; and if I had stated the reduction as from that year, undoubtedly I should have stated what was not true; but I did not—my statement was of a reduction from the year 1816; and if he goes to the papers from which he appears to have made his charge, he will find a sufficient refutation of it. But instead of referring to these papers, he refers only to his own resolutions—to resolutions which he moved in this house, but which were never carried; to resolutions, too, proposed in the year 1822, before I had any thing to do with these matters, and these resolutions were founded on papers which were disproved. If he had gone to the proper papers of 1816, he would have found my statement correct, to the very letter. I am, therefore, justified in saying, that the charge thus made must fall to the ground, as utterly destitute of evidence to support it. I do not know how to go on in the track of the hon. gent. He has adopted such an extraordinary course, that I feel I should be wasting time in endeavouring to follow him in it. I confess I do not intend to argue the question: it is not necessary; for, after he had spoken full two hours on the sinking fund (hear, hear), he coolly said, he would not detain the house by directing their attention to that point, but would make it the subject of discussion at a future opportunity (hear, and a laugh). Why then, sir, I ask the house not to give him credit on a subject which he has, for the present at least, abandoned. These papers which he has brought forward to-night, refer to ten thousand others, which I shall not attempt to go through now, but shall leave it to his pleasure, when he chooses to name the future occasion for the discussion; when, if I am able even to guess what he may mean, I think I shall be able fully to justify my own conduct. I do not know, sir, that I am bound to justify the conduct of those who have been ministers for the last forty years. I am not responsible for them. The sinking fund was not my invention, and I am not bound to defend Mr. Pitt from the attacks of the hon. gent. The first thing I did with the sinking fund, was to endeavour to put it on a better footing; and all the statements which the hon. gent. has made respecting the absurdity of borrowing with one hand, to pay with the other, are applicable to those who have preceded me, and not to me; although, in his speech, I am

put in the front of the battle, and made to bear the whole weight of his attack. I think, sir, I shall not be treating the subject improperly, if I do not go into the principles of Mr. Pitt, and discuss the subject of the sinking fund. I know there has been a change of opinion since his time, on that subject, but I never operated with the sinking fund, and till I do come into the house and attempt to raise a loan on the pretence of paying off part of what is now due by means of the sinking fund, I say he will not be justified in directing his tirade against me. He has complained, sir, of mystification in the public accounts of this country. Sir, if there is any thing which I consider it useless, not to say ridiculous, for a Government to attempt, it is a system of mystification. I cannot conceive a more absolute piece of hard labour; I am sure I should never get through it, and I am also sure, that if I attempted it, the result would not, by any means, repay the trouble. Still, perhaps, there may be, as he says, some mystery. If there is, it must arise solely from the great extent of our papers; from the number and variety of our laws relating to finance, and from other circumstances which I can conceive may be sufficient to puzzle, for some short time, a man who understands nothing of the matter, and that they may not be easily rendered intelligible to a man who takes up finance papers to amuse himself for half an hour by looking over them. But to men conversant with business, I should think they were sufficiently intelligible, though, if they were not, I would gladly take from that hon. member, or from any one else, any thing which experience may have suggested as capable of rendering them more clear. I would accept this advice and assistance the more readily, in order to shew that those persons are mistaken who think that my colleagues and myself are unwilling to do any thing in the way that we ought. Sir, the hon. member has accused me of coming down to the house, and of calling on Parliament to maintain taxation.—Now, sir, I am happy to say, that I have acted the very reverse of all this. I bless my stars that I have been able to effect some reduction of taxation—that I have been able to take off nearly eight and a half millions of taxes, though the hon. gent. says they have not been reduced; for that, though taxes are nominally less, they are in reality the same as before, on account of the difference occasioned by the change in the currency. Sir, this is not the case; I have been able to effect a reduction of taxes on foreign wines. Why did I reduce them? Because I found that the high duties diminished their consumption. I, therefore, brought them back to the standard of 1801 and 1802; or rather below it; and the result was, that the consumption of wine was increased beyond even the proportion which I had anticipated. I had anticipated that a loss of about 230,000*l.* would be occasioned to the revenue, and I believe that, in consequence of the increased consumption, that loss will not amount to so much.—More wine, therefore, has been drunk, and if I have been the means of giving to any man a bottle of wine, which he had never been able to obtain before, I have had the happiness, so far, at least, to increase the comforts of the people, and surely the merits of such a change, small though it may be, ought not to be denied me. But the hon. gent. contends, because nearly as much revenue is raised by this diminished

rate of duty, that no relief has been given to the people. To me, sir, it appears that it is contrary to all principle, to assert that the reduction of the rate of taxation gives no relief to the people, because the amount raised is nearly as great as before. The hon. member talks of the consumption of spirits having fallen off. Sir, I know it did; and what did I do? Why, finding the consumption of spirits did not increase in proportion to the increase of the people—finding, on the contrary, that it was gradually diminishing, I reduced the duty, and the consumption increased. Whatever may be the full benefit of this reduction cannot yet be known, for in this country it only came into operation on January 5th of the present year, and the hon. member has no right to draw any conclusions concerning it from returns that only come down to that period. Either I have misunderstood the hon. member's argument, or he has misunderstood this part of the subject; and he is quite mistaken in saying that it has been overlooked. Sir, this diminution of consumption has not been overlooked, and I endeavoured to find a remedy for it in a diminished rate of taxation. The hon. gent. finds fault with me, sir, for having stated, during three successive years—with some feelings of exultation, I admit—that the consumption of the people was increasing, and that the revenue had increased; but he finds fault, because he thinks I had no other view in making these statements but to express my satisfaction that a greater amount of revenue was extracted from the pockets of the public. But why did I lay any stress on this?—Because, sir, I felt a full reliance on the system we were pursuing; and I was happy to be able to shew that under it the condition of the people was improving. The hon. gent. says, that it is not, and he founds his assertion on drawing a comparison between the period of 1792 and the present period. I, sir, did not advert to the increase of consumption, and the increase of revenue only.—I called on the house to recollect the greatly decreased distress. I adverted to a proof more convincing, in my opinion, than any statement of the amount consumed—the actual condition of the country—the absence, during these three or four years, of all confusion, disturbance, and distress. I called, sir, on the gentlemen connected with the different parts of the country, to bear witness to its improved condition. Where there had been tumult, violence, and bloodshed, I said there were only peaceful industry and prosperous exertions; and I gave these as plain unvarnished proofs of the condition of the country being improved. The hon. gent. says, there was nothing but flummery and flourish in my statements in 1824—that the consumption of the people was greater; he says the same thing of my statements last year, but those statements were true, and what more striking proof could I give of the prosperity of the people having increased—of their comfort having increased, than that the consumption of all those articles had increased, on which their prosperity, their comfort, and their enjoyments depend? I know no better proof of this, and I can give no other. The hon. gent. finds fault with the comparison I made this session, of the consumption of the year 1823, and he says this was done with a purpose. Sir, I admit it was done with a purpose; but with the purpose of supporting an argument, and the argument was this.—The Government and the Parliament



had, since the peace, reduced taxation very considerably, and the statement was made to shew, by comparing the consumption of 1816 with the consumption of 1835, that, under the reduced system of taxation which was gradually effecting, the revenue of the state, and the consumption and comfort of the people, had all been increased. This, sir, was the purpose of that statement, and on it was founded what I thought legitimate argument. The hon. member taunts me with including wool, and asks, are we to take this, which was a mere speculation, as the test of an increased consumption? Sir, I took care not to include wool as one of the proofs. But it happened to stand one of the last articles on my list; and I said gentlemen would exclaim, "Do you mean to say that the increase is to be taken to have been at that extravagant rate, as upon wool,—for instance, 443 per cent.?" I answered, "Certainly not, but I produce the document to shew, notwithstanding the high rate of taxation, that there is that progressive power of consumption in this country which is indispensable to her greatness, and which forms the most convincing proof of that inherent vigour which enables her to meet and overcome difficulties the most formidable. It is this incontrovertible evidence which makes me rely on her strength for the future." Was there any thing extravagant in this, any thing delusive, or intended only for shew? I say, sir, there was not; and the statement by no means deserves the imputations the hon. member has attempted to cast on it. The hon. member has said much about our expenditure, and I am not now prepared to go into the whole question in detail; I am not prepared to discuss the question with him, whether there are too many army and navy officers appointed or not; but we are accused of augmenting the establishments of the country for no other purpose than the sake of making and giving away places. But, sir, we have a duty to perform, of the difficulties of which that gentleman has no conception, as he most certainly has none of the responsibility. The hon. gent. is not responsible for the situation of the country—he is not responsible that it be always prepared for those fluctuations in events which no man can always foresee, and which, as they arrive, we must be prepared to meet. The hon. gent. has no responsibility; but we, sir, should be abandoning our duty, if we did not frame our establishments according to the necessities of the country, the difficulties of its situation, the state of security, and on a scale adapted to the object in view. Undoubtedly there might be a difference of opinion as to the extent of these establishments which is required; and it is easy enough for the hon. gent. to cast imputations, and say there were too many promotions: it may even be his duty to say so; he has a right to be jealous; but, because his ideas differ from ours as to the extent required of these establishments, he has no right to say of us, that we keep up these establishments only for the sake of patronage. I do not know, sir, that we are bound by the resolutions of the committee to which the hon. member has alluded; but that recommendation only went to an approximation to the establishments of 1792; but there was still a question as to what ought to be the degree of approximation. That depends, sir, on the condition of the country, and on the state of its foreign possessions, compared

with the condition of other countries—the forces they can employ, and the relative situation of their colonies to ours. This involves very important considerations, and I will venture to say, that no man who has considered the question will say, that the military establishment of this country, as proposed for the defence of the country and the colonies, is more than essential for this purpose. All the evils which the hon. gent. lays so much stress on, he urges to the house as reasons for his motion for an Address to the Crown; but it had been shewn last year, and every preceding year, that the hon. member had attacked these establishments, that this force was necessary; and it had been shown, over and over again, why it was necessary, and why a lesser force could not be dispensed with.—On all occasions, sir, whenever gentlemen who are not accustomed to give their support to the measures of ministers vote with them, that hon. member can find no other motive for every man's conduct but that miserable trumpery motive of self-interest (hear, hear). It is somewhat galling, sir, to hear the hon. gent. ascribing the conduct of other gentlemen to those miserable motives, which, I know not how it is, sir, seem the only motives that hon. member ever conceives, in his mind, to influence the conduct of others. The hon. gent. may go on ascribing such motives to other members; but I hope, sir, they will always treat such imputations with that indifference which I shall shew them. I do not mean to speak three hours (hear, hear) on the various topics which the hon. member has introduced—I shall not follow him through the 47 Resolutions on which he has proposed to found an Address to the Crown; but I will say, that no man who has any regard to truth can vote for the first resolution; and if no man can vote for the first resolution, no man possessing common sense can give his assent to the other resolutions, which are contingent on the first. I, sir, for these reasons, most certainly shall not consent to the Address proposed by the hon. member; but I beg it may be understood that I fully admit the propriety and the duty of Parliament to state to the Crown the difficulties and the distresses of the country. I will venture to say, that the hon. gent. is not entitled, by any thing he has said or done, to accuse us of wanting common humanity, because we are not prepared to adopt his views of the scale of our national establishments, and of the expenditure of Government. I feel bound to assert, that no member of his Majesty's Government looks on the present distresses with indifference, or with a sentiment approaching to any thing like indifference; and if there be any person in this house, who does not feel deeply for those distresses, he must be more or less than man" (cheers).

Mr. Brougham:—"Sir, in rising to address the house, I have no wish to detain them long, or to go through all the valuable details which have been so ably brought before them; but I apprehend, sir, the right hon. gent. has misconceived the whole conduct of my hon. friend, and I shall shortly state in what light I view it. As many of the members whom I now see present, were not, I believe, in the house when my hon. friend made his luminous statement, I hope they will excuse me if I now state to them what I understood my hon. friend to say. The right hon. gent. has complained that he received the resolutions only at eleven o'clock that

morning. If this were a subject of complaint, I have much more reason to complain than he has, for I only received them at half past seven this evening. But let the house attend to the candour of the right hon. gent. when he complains of being taken by surprise; for any ordinary occasion, instead of having eight hours' notice of what was to be said, all he would know of the motion would be the written notice of it on the book; and he would first hear the details, the arguments to be used, and the statements on which the speaker meant to rely when he made his speech. But in this case, the right hon. gent. had the printed speech, I may call it, of my right hon. friend put into his hands eight hours before that time; and of this courtesy, this advantage, the right hon. gent. complains as a hardship (hear, hear). The right hon. gent. also seems to think there was a mistake as to form; but though my hon. friend calls them resolutions, he never meant to move them; he only meant to have them put in a printed form, to convey his sentiments more clearly to the house, and lay the foundation for that address to the crown he intended to move. As to the first resolution of my hon. friend, which the right hon. gent. seems to think was intended to make a direct charge against him, my hon. friend, sir, meant no such thing; he only stated and only meant, that from the accounts submitted to the house—and very complicated accounts they are—the right hon. gent. had drawn a very favourable issue, while he (Mr. Hume) had drawn a different conclusion. The right hon. gent. next charges my hon. friend with taking a passage from a report of his speech which he had never authorized, and which was not a correct report. But my hon. friend said he did not take his statement from any printed speech; on the contrary, he had at the time taken a note of what the right hon. gent. had said, and had gone across the table and pointed out his mis-statement to him at the time. It was not taken, therefore, from any printed speech, but from my hon. friend's own notes. As to the sinking fund, sir, the right hon. gent. seems to think my hon. friend charged on him all the errors of all his predecessors, and of all those statesmen who had supported the Sinking Fund. But my hon. friend expressly exonerated the rt. hon. gent., and attacked the system only. In my humble apprehension, my hon. friend has proved, that the Sinking Fund is a gross piece of impolicy, that it tends to augment the disposition to enter into war, and that its promised resources are founded on a plain arithmetical blunder of profit and loss. My hon. friend has demonstrably proved, that borrowing for any other purpose, while we have a sinking fund, is, in fact and deed, borrowing to keep up that fund, that raises the money market against ourselves, when we want to borrow, and is altogether a bungling, losing mode of providing for the public services. This is not now, indeed, denied by the right hon. gentleman. He agrees, sir, with the statements of my hon. friend in principle; but I go much further; and I am rejoiced to hear, that even the men who formerly admired the sinking fund, and agreed in approving of it as a most valuable financial measure, now begin to doubt its efficacy, and that even with them this famous system is now at discount, and has fallen into discredit (hear, hear). My hon. friend, sir, has made no charge against

the rt. hon. gent. for not having the public accounts drawn up in a better form; but he has attacked the system; and I see no reason why the balance sheet of the public accounts should not be as correct, simple, and intelligible, as the balance sheet of any individual trader. I know no reason, sir, why the greater amount, the greater number of figures under each item should make any difference—why thousands should be more difficult to write down than hundreds—why millions should be more difficult to express than thousands. To me, both seem equally easy; and there is no good reason why the balance sheet which is laid on your table should not be as distinct, as plain, and as easily comprehended as the balance-sheet of any private concern. If there is reason to make this assertion *à priori*, it is now confirmed by the experience both of America, and, in later times, of France, in the accounts of which nation there is no mystery—no confusion—no juggling—but the whole are kept plainly and intelligibly. I approve, sir, of the candour of the rt. hon. gent., who has professed his readiness to listen to any suggestion of my hon. friend; and I hope the hon. member will take advantage of this proposal, and submit those suggestions with better success to the rt. hon. gent. than he has once already, I believe, submitted them with to a committee. I must beg pardon for troubling the house at this late hour with some details; but there are some few things mentioned by my hon. friend, as to taxation, which expose to our view an unpleasant truth, and to which I must call the attention of the house. I agree fully with what my hon. friend says of taxation in his printed speech; but I differ from him in what he has said this night; and I fully agree with the Chancellor of the Exchequer as to what he has said of reduction of rate of duty being a relief to the people. I recollect once submitting a resolution to the house, similar in substance to the 31st resolution of my hon. friend, viz. "That the repeated assertions made in this house, that there has been a diminution of taxation, to the extent of 20 millions, since the termination of the war, are delusive and fallacious." The 69 millions, the house will recollect, that were levied during the war, were levied in a depreciated currency. Gold was 51. an ounce in the market, while the mint price was only 31. 17s. 10d.; shewing, if we take the large sum of taxes, a depreciation of 25 per cent.; and if we take the less sum, a depreciation of 20 per cent.; and from this it follows, if we augment the 52 millions, the sum now levied, by the whole amount of the 25 per cent., we shall find, that instead of 27 millions of taxes having been reduced, in fact the whole amount of what has been reduced is only one million and a half. So far I and my hon. friend agree; but I do not agree with him, that as the rate of taxation is reduced, because the people chose to consume more; and therefore the whole amount not being diminished, that no relief has been given by a reduction of taxation. My hon. friend has no right to say, because he can now drink two bottles of wine where he before only drank one, in consequence of the duty being lowered, that he and the country are not benefited by that lower duty. Sir, the man who can now afford to drink two bottles of wine, is benefited by the increased enjoyment, the seller is benefited by an increase of his trade, the merchant and shipowner who import it are benefited; and if we suppose the case of a commodity, grown at



home, the agriculturist or the manufacturer is benefited by the diminished taxation. Sir, the burden on the country is lighter, and the enjoyment more (hear, hear). So far, sir, I differ from my hon. friend, and agree with the rt. hon. gent. But I differ from the rt. hon. gent. as to what he says of consumption. I understood my hon. friend to give a list of articles most generally consumed, some of which, notwithstanding the increase of our people, were consumed in less quantities—others were stationary—and in others there was a slight increase. This is not a flattering view; but my hon. friend having made his statements not from single years, but from an average of years, seemed to be correct. It is now generally admitted that the number of consumers has increased very rapidly; the increase is generally supposed to be about 40 per cent. since 1785, and if we take the average of the consumption of some excisable articles in the years 1785, 1786, 1787, and compare it with the average consumption of later years, not including the last year, we shall find, that instead of the consumption of most articles having increased 40 per cent., that in most of them there is hardly any perceptible increase of consumption. I shall take as an example and standard, malt, which is of general consumption, and I find that the average quantity of malt used in the ten years, between 1785 and 1794, was 25,751,775 bushels, while the average of the ten years, between 1815 and 1824, was only 25,246,000, shewing an actual decrease in this general article of consumption of half a million bushels; and while the number of people between these periods had increased nearly 40 per cent., the decrease in the consumption of malt was nearly one per cent. This is a striking and a melancholy proof of a great diminution of the comforts and enjoyments of the people of this country. And, unfortunately, sir, this is not confined to malt; it includes spirits of all kinds. My hon. friend states, that in the five years ending with 1810, the average consumption of spirits of all kinds in Great Britain was 13,059,522 gallons, while the annual average of the 5 years ending 1824, was only 12,110,281 gallons, shewing a falling off of ten per cent., while the people had increased between those two periods probably above ten per cent. In sugar there has been a small increase of consumption, but not at all in proportion to the increase in the number of consumers. On an average of the nine years ending 1816, the consumption was 2,406,809 cwt. annually, and in the nine years ending 1824, the consumption was annually 2,593,540 cwt., and in sugar, therefore, the prospect was not so bad as in the consumption of malt and spirits. The inference drawn by my hon. friend from these important details is, that in the consumption of all the articles used by the great bulk of the people, there has been a gradual diminution, showing that the comforts, the enjoyments—and these constitute prosperity—of the great mass of the people, have been sensibly diminished. Then as to another point in my hon. friend's resolutions, I observe that my hon. friend has contrasted the number of commitments in different years; and my hon. friend says, that notwithstanding the great increase in the amount of education, and the great improvements which have been lately made in the criminal law, it was a most lamentable and melancholy fact, that the number of commitments for crime has greatly increased. But I rather

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think, that in this respect, my hon. friend has not made sufficient allowances for the effects of a sudden transition from war to peace—the effect of the ordinary demand of men for the use of the army ceasing, and the consequences of such a number of men being thrown back upon the population. I think that it would have been but fair that my hon. friend should have drawn a line between the concluding years of the war and the first years of peace. The disbanding of the army was a most material consideration, and ought, certainly, to be taken into the account. If you will only draw the line as I have mentioned, you will immediately see, that after the conclusion of the war, the number of those committed for crimes had almost instantaneously increased in a very considerable proportion. So that it was too much to draw the sweeping conclusion, that crimes had increased, independently of the causes mentioned, notwithstanding the progress of education and improvements in the criminal law, the natural effects of which are to diminish crime. Having stated this much on the subject of my hon. friend's resolutions, I do not mean to detain the house any longer. I have only most heartily to thank my hon. friend for having brought them before the house; and the house and the country have ample reason to thank him, whether the resolutions shall be agreed to or not—for he has gone through a mass of intricate accounts which would stagger any other person; and from these he has drawn accurate and consistent statements, all leading to the conclusion mentioned in his 47th resolution; and the result of the whole is, that we ought to review our expenditure, and not extract from the pockets of the people, not merely thousands, nor hundreds of pounds, but not even a single shilling, more than is absolutely necessary. And the sooner the public burdens can be removed, in the only way in which this or any other government could remove them, the better in every point of view; and the sooner and more fearlessly we set about giving the relief, with the better countenance and grace can we appear before the electors of the kingdom."

Mr. Maberly said, that the debt had not been reduced by the sum mentioned by the Chancellor of the Exchequer, nor by any sum at all; and so it would have appeared if the accounts had been kept as they ought to have been kept. But the custom was to keep them in a most intricate state, so that the fallacies could not be detected without the utmost attention. It turned out, however, that the nominal capital of the debt was 100 millions more than in 1819. But, said the gentlemen opposite, "look at the charge of the debt." He was ready to meet them there too, and referred to a paper drawn up by as good an accountant as any of those gentlemen. The statement given was by Mr. Higham, and the result was, that in January 1819, the debt was 823 millions; in 1826, the amount was 893 millions, being an increase of 61 millions; and then as to the charge of the debt in 1819, it was 29,045,000l.; in 1826, 29,176,000l., being 131,000l. more in the latter period than the former. The object of his hon. friend was to show, that owing to this sinking fund, the country was much more in debt than it would have been without it, and that proposition had been clearly made out. He had heard with great satisfaction, however, from the Chancellor of the Exchequer, that he

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proposed to enter into a thorough examination of the state of the public accounts; and he assured the rt. hon. gent., that what assistance the hon. member for Montrose and himself could render him, would be much at his service. That would be a most beneficial act of duty to the public; and his hon. friend would, even in producing that result, have done much for the advantage of his country, by bringing forward these resolutions.

Mr. Hume rose to reply. He began by expressing his regret that the right hon. gent. (the Chancellor of the Exchequer) should have understood any thing that fell from him, as meaning to impute to him a wilful misstatement. He could assure the rt. hon. gent. that he had no such intention; and this must be evident to the rt. hon. gent. himself when he recollected, that when he made the statement to which he had alluded, he (Mr. Hume) went over to his side of the house and stated, that there must have been a mistake; and a few days after he gave him a written statement to prove that the account to which he referred was erroneous, and he was since then confirmed in that opinion.—His (Mr. Hume's) propositions were simple—"Get rid of a useless and expensive sinking fund, and reduce your establishments to a moderate scale, and the object will be effected." Those who thought that our taxation was too high, would vote with him. Those who thought that we were not taxed too much, would of course oppose his motion. As ministers had shown no disposition to economize, he hoped the house would adopt such measures as would have the effect of compelling them to do so.

The house then divided, when the numbers were—For the motion, 51—Against it, 152—Majority, 101.

#### MR. HUME'S RESOLUTIONS RELATIVE TO THE STATE OF THE NATION.

1. That the assertions made to this house by the Chancellor of the Exchequer on the 3d of March, 1823, that a reduction of 24,766,520*l.* in the capital of the Public Debt had been effected by the operation of the Sinking Fund, from the termination of the war up to the 5th of January, 1823; and again on the 3d of March, 1826, that a further reduction of the Public Debt of 18,401,000*l.* had been effected between the 5th of January, 1823, and the 5th of January, 1826, making together a reduction of 43,167,520*l.* in the capital of the Public Debt since the termination of the war, are not consistent with the accounts before the house, as appears by the facts contained in the following resolution:—

#### PUBLIC DEBT.

2. That it appears, by the annual Finance Accounts, that the Public Debt of the United Kingdom, funded and unfunded, on the 5th of Jan. 1817 (after the union of the English and Irish Exchequers), was 846,765,078*l.*; and that on the 5th of January, 1826, the amount of funded and unfunded debt of the United Kingdom was 819,437,298*l.*; showing a decrease, in the nominal amount of capital, of 27,327,780*l.*

3. That the diminution of 27,327,780*l.* in the aggregate amount of the capital of the Public Debt has been effected by a reduction of 18,072,023*l.* in the funded debt, and in a diminution of the unfunded debt of 9,255,757*l.*

4. That of the 18,072,023*l.* of capitals of funded debt reduced in the nine years, 1817-25, there has been cancelled capitals to the amount of 6,934,285*l.*, leaving only 11,137,738*l.* of funded, and 9,255,757*l.* of unfunded debt, or an aggregate

reduction of capital in the nine years of only 20,393,495*l.*

5. That the charge of the funded debt, as it stood on the 5th of January, 1817, was—

|                                  |                      |
|----------------------------------|----------------------|
| For Permanent Annuities - - -    | 27,709,505 <i>l.</i> |
| Long Annuities - - -             | 1,857,904 <i>l.</i>  |
| Life ditto, per 13 Geo. III. - - | 225,255 <i>l.</i>    |
| Management - - -                 | 278,181 <i>l.</i>    |

Total 29,870,853*l.*

And on the 5th Jan. 1826:—

|                               |                      |
|-------------------------------|----------------------|
| For Perm. Annuities - - -     | 25,507,102 <i>l.</i> |
| Long Annuities - - -          | 1,333,257 <i>l.</i>  |
| Life do. per 48 G. III. - - - | 562,669 <i>l.</i>    |
| Management - - -              | 276,818 <i>l.</i>    |

Total 27,679,856*l.*

Showing a decrease in the nine years of annual charge on the Funded Debt of - - - - - 2,190,997*l.*

And that the charge of 50,564,787*l.* of Unfunded Debt on the 5th of January, 1817, estimating the English Bills at 4, and the Irish Bills at 5 per cent. per annum was 2,051,342*l.* And on the 5th of January, 1826, on 41,309,030*l.*, at 2d. per cent. per day, or 3*l.* 0*s.* 10*d.* per cent. per annum - - - - - 1,256,482*l.*

Showing a reduction of charge for Unfunded Debt of - - - - - 794,760*l.*

And total reduction of annual charge for Funded and Unfunded Debt of - - - - - 2,985,757*l.*

6. That out of the 2,985,757*l.* the total reduction of annual charge, as shown by the preceding resolution, the following reduction has taken place without any reference to the surplus revenue, or proceeds of loans, viz:—

|                                                                |                     |
|----------------------------------------------------------------|---------------------|
| In 1819 Imperial Annuities expired - - -                       | 230,000 <i>l.</i>   |
| — Exchequer ditto ditto - - -                                  | 18,750 <i>l.</i>    |
| — Long Annuities cancelled for Life Annuities - - -            | 17,490 <i>l.</i>    |
| In 1822, by conversion of 5 per cents. into 4 per cents. - - - | 1,207,137 <i>l.</i> |
| In 1824, ditto of 4 per cents. into 3½ ditto - - -             | 381,033 <i>l.</i>   |
| Charges of Management decreased - - -                          | 8,493 <i>l.</i>     |

1,862,907*l.*

And dividends on capitals cancelled And for ditto in 3,807,119*l.* of 4 per cents. dissentients, discharged from the funded and added to the unfunded - - - - - 152,280*l.*

Total reduction of charge on the funded debt - - - - - 2,242,716*l.*

7. That the total amount of the revenue of the United Kingdom, received in the nine years, 1817-1825 (and exclusive of all sums received for loans or dead weight), was 531,266,333*l.* and the total amount of expenditure, including every charge for interest of debt, and civil and military establishments in the same period (exclusive only of payments to the commissioners of the sinking fund), was 508,309,614*l.*, showing a clear surplus of revenue of 22,956,722*l.*, which, with the sums paid by Austria and the East India Company, make an amount of money of 25,965,539*l.*, disposable for the redemption of debt, exclusive of 6,917,569*l.*, received from the Bank of England in the three years, 1822-25, in part payment of an annuity of 585,740*l.*, for 45 years.

8. That the balance of all monies in the Exchequer on the 5th of January, 1817,



amounted to - - - - - 13,019,040l.  
And, on the 5th of January, 1826,  
amounted to - - - - - 5,305,638l.

Showing a decrease of - - 7,807,402l.  
which has also been applicable to the reduction  
of the public debt, in addition to the surplus of  
revenue, as stated in the preceding resolution.

9. That although there has been in these nine  
years an excess of revenue of 25,965,539l. there  
has been charged, during the same period, in the  
annual finance accounts, the sum of no less than  
124,779,340l., purporting to have been applied  
to the reduction of the debt.

10. That during the nine years, 1817-25, loans  
have been raised and Exchequer-bills funded to  
the amount of 98,760,920l., for which there have  
been capitals created of various denominations,  
to the amount of 126,536,037l., and an annual  
charge of 4,074,022l.; in addition to which there  
has been added 7,122,964l. of capital by the con-  
version of 149,449,290l. of 5 per cents. into  
156,921,713l. of 4 per cents.; also 2,965,655l. of  
3 per cents., by compromise of a disputed ac-  
count with the East India Company, at an an-  
nual charge of 70,970l.; and 322,961l., by con-  
version of 968,885l. of 5 per cents. of 1797 and  
1802 into 1,291,847l. of 3 per cents., and 47,767l.  
of 4 per cent. dissentients since assented to, mak-  
ing an aggregate increase of capital in the 9  
years of 136,395,381l., and an aggregate increase  
of charge of - - - - - 4,146,664l.

To which add Life-Annuities by 48

Geo. III. increased - - - - - 323,114l.  
11. That out of the 124,779,340l., charged in  
the annual finance accounts as applied to the re-  
duction of the national debt, the commissioners  
of the sinking fund acknowledge to have re-  
ceived the sum of only 116,022,142l. which they  
have applied as follows, viz. :-

For purchase of Stock in Great  
Britain (a) - - - - - 101,783,712l.  
Ditto ditto in Ireland (b) - - - - 4,511,045l.  
Ditto ditto East India Company - 839,243l.  
Paid for Life Annuities (48  
Geo. III.) - - - - - 3,650,693l.  
For payment of the dissentients'  
5 per cents. - - - - - 2,736,800l.  
Ditto ditto 4 per cents. - - - - 2,390,000l.  
Interest on ditto - - - - - 93,446l.

Total sum accounted for by com-  
missioners - - - - - 116,006,939l.

12. That with the sums (a and b in the pre-  
ceding resolution) applied to the purchase of  
stock, there has been cancelled in Great Britain  
various capitals to the amount of 144,480,680l.  
The dividends on the same being 4,465,073l., and  
in addition to the above there has also been can-  
celled of 4 per cent. dissentients by Exchequer-  
bills - - - - - 3,807,013l.

And various capitals amount-  
ing to - - - - - 6,934,285l.

Making a total of - - 10,741,298l. of cap-  
ital cancelled; the dividends on which capitals  
amount to 379,809l., showing an aggregate dimi-  
nution of capital of 155,221,578l. and an aggre-  
gate diminution of charge of 4,884,882l.

13. That in addition to the sum of 4,844,822l.  
of annual charge of debt reduced as per the pre-  
ceding resolution, there has been a further re-  
duction in the nine years of 1,862,907l. as per  
resolution No. 6, making a total diminution in  
the annual charge of 6,707,789l.

14. That if the increase of annual charge of  
4,146,664l. as per 10th resolution, and 323,114l.,  
the increase of life annuities, be deducted from  
6,707,789l., the decrease, as specified in the pre-  
ceding resolution, it leaves a net diminution of  
annual charge of 2,238,011l. on the funded debt,  
instead of 2,190,997l. as exhibited in the 5th re-  
solution, showing a difference of 47,014l. per  
annum to be accounted for.

15. That although by resolution No. 7, there  
appears to have been in the nine years—1817-25,  
a disposable surplus revenue of 25,965,539l.  
(exclusive of 6,917,569l. received from the Bank  
for annuity, in the three years 1822-5) there has  
only been a reduction in the capital of the funded  
and unfunded debt, during the same period, of  
20,393,495l.; whilst the finance accounts, as per  
resolution 5, do not show any decrease of annual  
charge, that would not have been effected by  
annuities fallen in, cancels, conversions, and  
diminution of interest in unfunded debt, as per  
resolution 6, without reference to the surplus  
revenue.

16. That the increase of life annuities, over  
and above the amount of perpetual annuities  
cancelled, will account for about 130,000l. of  
annual charge; but there is an obvious loss of  
186,703l. of annual charge, by redeeming stock  
on less advantageous terms than creating it; as,  
for example, 4,074,022l. of annual charge was  
created for 126,536,037l. of capital, whilst the  
proportion of annual charge redeemed by the  
same amount of capital was only 3,887,319l.

17. That the loss arising from the complicated  
system of the sinking-fund and the public ac-  
counts, is further proved by the statement,  
Appendixes G and H, which exhibits the result  
that would have taken place if the surplus re-  
venue, and other resources (exclusive of loans,) had  
been applied, year by year, to the purchase  
of stock, at the average rates of the respective  
years; and if further proof is wanting of the  
ruinous system of finance, so fatally persisted in  
of supporting a sinking-fund by loans, the fol-  
lowing result of the last loan from the Bank in  
1823, avowedly for that purpose, will furnish the  
most indisputable evidence.

18. That there has been paid into the Exche-  
quer by the Trustees of Naval and Military  
Pensions, between the 5th April, 1823, and the  
1st of January, 1826, the sum of 6,917,569l.,  
part payment of a loan from the Bank of Eng-  
land, for which an annuity was granted for 45  
years, equivalent to an annuity in perpetuity,  
at the rate of interest of 4l. 2s. 1d. per cent. per  
annum, or 73l. money for every 100l. of 3 per  
cent. stock; whilst the Commissioners of the  
Sinking Fund, during the same period, have ex-  
pended a corresponding sum in the purchase of  
3 per cent. stock, at an average of 88l. for every  
100l. of such stock, being at the rate of interest  
of only 3l. 8s. 2d. per cent.

19. That by the said loan the public debt was  
increased in 1823, equivalent to the amount of  
9,476,110l. of 3 per cent. stock, and the annual  
charge of 284,283l. in perpetuity; whilst the  
Commissioners of the Sinking Fund applied a  
corresponding sum to the purchase of 7,808,188l.  
of 3 per cent. stock, at the rate of 88l. of money  
for 100l. stock, cancelling an annuity in perpe-  
tuity of 225,745l., by which transaction there  
has been actual loss, or addition to the debt of  
the country, of 1,617,922l. of 3 per cent. capital,  
and 58,539l. of annuity in perpetuity.

20. That although the complexity of the finance  
accounts, and the loss to the nation by such a  
system is clearly manifest by the preceding re-  
solutions, yet the magnitude of the evil inflicted  
on the country by the ruinous and absurd Sink-  
ing Fund system, still persevered in by his  
Majesty's ministers, can only be known by an  
attentive examination of the series of finance  
resolutions submitted to the consideration of the  
house in 1822, and by the following short sum-  
mary of these transactions.

21. That by a return made to this house, the  
total nett revenue of Great Britain (exclusive  
of loans), for 24 years, between the 10th day of  
October, 1792, and the 5th day of January, 1817,  
appears to have amounted to 1,126,640,417l., and  
the total expenditure (exclusive of all sums paid  
to the Commissioners for the reduction of the

National Debt) during the same period, appears to have amounted to 1,533,638,631l., being an excess of expenditure over revenue of 406,988,214l.; but as three quarters of a year, from the 5th day of January to the 10th day of October, 1799, appears to have been stated twice, three-fourths of the excess of expenditure in 1799 require to be deducted, making the actual deficiency of revenue to be about 393,000,000l.

22. That although the actual revenue during the 24 years, from 1793 to 1816 inclusive, fell short of the expenditure only about 393,000,000l., it appears by a series of resolutions submitted to the consideration of the house on the 25th of July, 1822, that an amount of no less than 618,163,857l. of money was raised by loans and Exchequer-bills during the said period of 24 years, viz. from 1793 to 1816 inclusive.

22\*. That by the 6th of the before-mentioned series of resolutions, it appears, that whilst 618,163,857l. of money was raised by loans and Exchequer-bills, between the 10th day of October, 1792, and the 5th day of January, 1817, that 188,522,348l. only was paid to the Commissioners for the reduction of the National Debt, leaving the enormous sum of 36,641,517l. totally unaccounted for.

23. That by another account, presented to this house in 1822, it appears, that in the year 1815, annuities of different denominations, all in perpetuity, were created to the amount of 3,083,621l. equal to 102,787,394l. of 3 per cent. stock, for which only 53,819,786l. money was received, being at the rate of 100l. of 3 per cent. capital created for every 52l. 7s. 6d. of money received.

24. That by another account, presented to this house in 1825, it appears, that between the 5th of January, 1824, and 5th of January, 1825, the Commissioners of the sinking fund have purchased 3,627,225l. of 3 per cent. stock, for which they have paid 3,416,031l., being at the rate of 94l. 5s. 5d. for every 100l. of such stock, at a loss of 41l. 16s. 3d. of money, for every 100l. stock re-purchased, as compared with 1815.

25. That no nation, or body corporate, in their collective capacity, can derive pecuniary benefit or advantage of any kind, by merely trading with themselves, and therefore the Sinking Fund system of Great-Britain, established solely for the purpose of the nation trading in its own obligations, was founded in fallacy, and has been maintained by delusion.

26. That the Sinking Fund system is not only useless for any beneficial purpose to the state, but highly objectionable from the loss it occasions, and for its direct tendency to promote a system of speculation and gambling, altogether inconsistent with the well-being of the country, and therefore ought to be forthwith abolished.

27. That the state of our manufacturing, commercial, and agricultural relations, demands the most serious attention, as the evidence before the house proves a progressive diminution in the remuneration for labour in many of the staple articles of manufacture, as well as for agricultural labour, in reference either to the means of subsistence at the present time, or in comparison with the remuneration for labour at former periods, and that although the quantity of the products of British labour annually exported progressively increases, yet their value is progressively decreasing.

28. That the annual average official value of the quantity of products of British labour exported in the three years 1814-16 was 36,562,367l., and their declared value 44,476,519l., whilst, in the three years 1823-5, the annual average official value of the quantity exported was 45,880,927l., and their declared value only 36,782,938l.; showing a depreciation in value, after allowing

for the difference in the value of the money at the two periods, exceeding 25 per cent., and consequently showing an increased pressure of taxation in 1823-5, to that extent, if estimated in the production of British labour.

29. That although the Finance Committee of 1817 called the notice of the house to the low establishments of the year 1792, and recommended that as near an approximation as possible should be made to the scale of establishment and expense of that year; yet the taxes raised in the united kingdom in 1825 exceeded 58,000,000l., or treble the amount of 1792, and the expenses of the civil list, the naval and military establishments and civil Government, exceeded 26,000,000l. (exclusive of the charge for the debt,) being four times the amount of the expenditure of 1792.

30. That a reference to the great amount of the civil list, to the number of pensioners, sinecures, and highly paid placemen, to the unnecessary number and expense of the army, navy, ordnance, and civil establishments, will sufficiently prove that due regard has not been paid to the recommendations of that committee; it is, therefore, imperative on this house to demand an immediate reduction of taxation, in conformity with that recommendation, as the best means of relieving the country from its present embarrassments.

31. That the repeated assertions made in this house, that there has been a diminution of taxation to the extent of 27,000,000l. since the termination of the war, are delusive and fallacious, whether as applied to the amount of money actually collected from the people, or the value of the currency in which the taxes were collected, as will appear by the facts stated in the following resolutions.

32. That the money amount of taxes raised in Great Britain on the average of the three years, 1813-15, the largest receipt of any period during the war, was 69,010,927l. per annum; but as that amount was in paper money of nominal value, and not exchangeable into gold, on an average of the three years, at a less rate than 5l. per oz. (the maximum having been 5l. 11s. per oz.) the average annual taxation, if valued in gold, the established standard value, was equal only to 13,802,015 oz. of gold, or to 53,741,714l. of money, exchangeable into gold at 77s. 10½d. per oz.; while the annual average amount of taxation in the last three years, 1823-5, was 52,430,765l. convertible into gold at 77s. 10½d. per oz. showing a diminution of only 1,310,919l. per annum, of money of standard value, instead of 27,000,000l.

33. And if a comparison be made of the amounts of taxation at these two periods in labour, or the products of labour, the pressure in 1823-5 will prove to be considerably greater than in 1813-15, as the annual money amount of taxes, on an average of the three years 1813-15, was only equal to 15,853,926 quarters of wheat, at 80s. 9d. per quarter, the average price of that period; whilst the money amount of taxes, on an average of the three years 1823-5, was equal to 17,434,546 quarters of wheat, at 60s. 2d. per quarter, the average price of that period.

34. That if the money amount of taxation, on an average of the three last years 1823-5, be compared with that of the three years 1817-19, the money amount is greater in 1823-5 by 668,426l. per annum; and, if valued in gold or the products of labour, the pressure of taxation on the country in the years 1823-5 will very considerably exceed the pressure either in 1813-15, or in 1817-19.

35. That the continued pressure of taxation has greatly increased the privations and distress of the productive, industrious, and labouring classes of the community, as is manifest from



mary, if not diminished, consumption of such taxable articles of enjoyment and notwithstanding a great increase in the number of consumers.

But in taking a review of the annual consumption of malt for the last 40 years in England and Wales, it appears that the annually consumed has actually diminished notwithstanding an increase in the number of consumers of about 40 per cent.

At an average of ten years, 1785-1824, number of bushels of malt annually consumed was 25,751,775; and on the average of the years 1815-1824, the annual consumption only 25,246,940 bushels per annum; an actual decrease exceeding 500,000 per annum; whilst, if the consumption had increased in proportion to the increase of population, the consumption would have needed 35,000,000 of bushels per annum. If a comparison of the consumption in the year 1825 (a year of great excitement) made with some other single years, the last forty years, a greater consumption appears in the years 1792-7 and 9, than in 1821, than in 1825; but a fair comparison could only be made on an average of years.

It is although it is generally believed that the consumption of fermented or malted liquors from an increased consumption of spirits, yet it appears that the average consumption in Great Britain, of all kinds of British and foreign, in the five years 1804-4, was 13,059,522 gallons; and in the five years 1810-4 was 12,110,281 gallons; showing an increase in the 18 years of 949,241 gallons only, notwithstanding an increase in the number during that period of about 30 per

cent. The quantity of foreign wines annually with excise duty in Great Britain, on an average of the three years 1801-3, was 1,000,000 gallons, and the average annual quantity in the four years 1819-1822 was 1,000,000 gallons, showing an actual diminution of 2,437,914 gallons yearly, or 17 per cent., notwithstanding the increase in the number of consumers during that period, there was also at least 10 per cent. of inferior, of very inferior quality, charged at a higher rate in the aggregate quantity in the last

period whilst the rates of duty levied on wines were, in the years 1819-22, 30 per cent. higher than in the years 1801-3, there was, in the same period, a reduction in the quantity of the excise duties of about 30 per cent., the amount of revenue received was less in the same period of high duties.

As to the quantity of sugar consumed in Great Britain, on an annual average of the nine years 1808-16, was (after deducting 1,600,000 cwt. for distillation in the six years 1809-14)

10 cwt., and in the last nine years 1817-25, an annual average, 2,593,540 cwt., showing an increase of only 196,731 cwt., being about 7 per cent., whilst the population has increased in the same period at the rate of 17 per cent.

As to the quantity of tea consumed in Great Britain, on an annual average of the four years 1810-13, was 21,023,155 lb.; and the quantity, on an annual average of the four years 1821-4, was 21,023,155 lb., showing an increase in consumption of only 12 per cent., whilst the number of consumers have increased in that time about 40 per cent.

As to the annual average consumption of spirits in Great Britain, in the five years 1800-4, was 25,246,940 bushels, and in the five years 1820-4, was 25,246,940 bushels, showing an annual increase of consumption at the rate of 10 per cent. in the last

five years; but, if the annual average consumption of 14,155,166 lb. in the five years 1810-14 is taken, it will appear that since that period there has been an actual decrease of consumption at the rate of 8 per cent. per annum, notwithstanding an increase of population of 17 per cent.

45. That in addition to the progressively increasing privations amongst the great body of the people, as manifested by the preceding resolutions, pauperism and crime have progressively increased to an alarming extent; and, notwithstanding the progressive diminution in the scale of allowance to paupers, the aggregate amount of the parochial assessments expended for their relief since 1785 has trebled; and although the money amount has decreased in the three years ending Easter 1824, compared with the three years 1812-14, and the three years 1817-19; yet pauperism, whether considered in relation to its degrading and demoralizing effects, or in relation to the pressure of the assessments, estimated either by the amount in money, (if the difference in the value of the currency at the respective periods be taken into account) or the products of labour, has considerably increased since 1812 or 1817, the years of the largest money expenditure.

46. That the progressive increase of crime is even more alarming than the increase of pauperism, as there were 4,692 persons committed to gaols in England and Wales for trial, charged with criminal offences on the annual average of the five years 1805-9, whilst the numbers committed on the average of the years 1819-4 were 13,005, showing an increase at the rate of 178 per cent.; and if 14,437, the number committed in 1825, be compared with 4,605, the number committed in 1805, the increase will exceed 200 per cent. in 21 years, exclusive of 22,106 committed under summary process in 1823.

47. That whether the state of the nation be regarded in reference to the unparalleled extent of taxation,—its application,—the delusive and ruinous consequences of the Sinking Fund,—the extension and complication of the accounts,—the present situation of our manufacturing and commercial relations, or the degraded and wretched condition of the great body of the people, all evince the urgent necessity of an immediate investigation of the causes which have produced those existing evils, and the adoption of comprehensive and decisive measures, to avert the calamitous consequences that must otherwise ensue.

### *Tobacco Trade.*

WEDNESDAY, FEB. 22.—Mr. C. Calvert presented a petition from the dealers in and manufacturers of tobacco and snuff in London, Westminster, and Southwark, praying for a reduction of the duties on those articles, for the purpose of checking illicit trade.

Mr. Bennett said, that last year several petitions were laid on the table of the house, praying for a reduction of the duties on tobacco, by which, as was then stated, the consumption and the revenue would be considerably increased. The returns that had since been laid before the house had proved the correctness of that statement. He wished to learn whether the dealers in tobacco were called upon this year for the 1s. duty proposed to be reduced last year?

The Chancellor of the Exchequer said, that it would be better not to go now into any partial details on particular branches of the revenue. He would therefore reserve himself until he brought the whole subject of the duties under the consideration of the house.

The petition was then brought up.

THURSDAY, FEB. 23.—Mr. *Hume* presented a petition from the manufacturers of tobacco and snuff in Belfast. The petitioners complained in the strongest terms of the injury which they sustained from the extensive system of smuggling which was carried on in their trade; and they added, that unless the duties were reduced, they could not much longer carry on their business. It was impossible to dispute the argument of the petitioners, that the reduction of duties was the only certain way of diminishing the traffic of the smuggler. Facts were conclusive of the point. In 1810 and 1812, when the duty was only 2s. for the pound weight of tobacco, payment was made upon 41,000,000 lbs. In 1821 and 1823, when the duty was raised to 4s. it was only paid upon 33,000,000 lbs.; so that there was a reduction in the consumption of the article at the one period, as compared with the other, of 8,000,000 lbs. The decrease in Ireland during the same period was from 19,000,000 lbs. to 8,000,000 lbs.; and in the last year, owing to the reduction of the duties from 4s. to 3s. an increase in the consumption was obtained of 1,800,000 lbs. He had no doubt that if the duty were further reduced to 18d. smuggling would be extinguished, the legitimate trade increased, and the revenue improved.

Mr. *Hart Davis* supported the prayer of the petition, and expressed his conviction that a reduction of the duty would be attended with considerable benefit to the country.

Sir *J. Newport* observed, that the reduction of the duty on tobacco would have the same effect in preventing smuggling, as the late reduction of the duty on spirits had produced.

The petition was ordered to lie on the table.

### *Paper Currency;—Commercial Distress.*

(The discussion on the Address, ante, p. 4, forms, properly speaking, the commencement of this series of debates.)

### *Small Note Stamps.*

WEDNESDAY, FEB. 8.—Mr. *Calcraft*, as he did not see the Chancellor of the Exchequer in his place, begged to ask a question of any of the gentlemen on the Treasury bench, upon a subject, as it seemed to him, of considerable public interest. He understood that Government was now taking upon itself, of its own authority, to refuse the issue of any stamps for one and two pound country notes. If this was the fact, which he begged to know, he thought it was a great stretch of power on the part of the Government.

Mr. *Herries* said, that Government had taken upon itself to refuse stamps for one and two pound country notes. It had been imagined that the understanding was general which had taken place a few nights since (in the debate on the Address) upon the subject of the local paper; and that, if necessary, a short bill should be brought in to provide for exigencies, until the plan of the Chancellor of the Exchequer was regularly stated. As the matter, however, was to come on so soon as Friday next, Government had deemed it expedient, at

once to take upon itself the responsibility of refusing any further stamps for the country small notes. The necessity of such a step was obvious, to prevent the issue of very large quantities, which would no doubt have been called for in the interim.

Mr. *Calcraft* expressed himself by no means satisfied with the answer of the hon. gent. It was the first time in the course of his parliamentary practice that he had known Government take such a responsibility upon itself; and this too, without even taking the opinion of the law-officers of the Crown. If the exigency were so pressing, a short bill ought to have been brought in; and the forms of the house might have been dispensed with, for the purpose of carrying it through the house in one night, as they had been before. For himself, he thought the course most unjustifiable; and took it to be one which would expose the promoters to actions for damages, if they were not protected hereafter.

### *Paper Currency.*

LORDS, THURSDAY, FEB. 9.—The Marquis of *Lansdowne* said, that in moving for certain returns relating to the late commercial embarrassments, he was desirous of offering a few observations for the purpose of expressing the opinion he entertained on the subject. He was desirous of doing so, both because he thought it right to express the impression on his own mind relative to this important question; and because he entertained an apprehension that in the opinions he had formed on the subject, he might have the misfortune to differ respecting the causes of the crisis from persons in that house, and out of it, for whose opinions he entertained the highest respect. Before he proceeded farther, he begged that it might not be understood that he intended to suggest, or that he expected through any of the documents for which he should move, to reach any thing like a remedy for the evil. His opinion was, that it must be allowed to work its own cure. The evil had been occasioned by the alteration which had taken place in prices. Men who had purchased at a maximum were compelled to sell at a minimum price; whereby those whose fortunes enabled them to pay the difference were deeply injured, and others, who could not pay, were ruined. The embarrassment would continue until corrected by that increased demand which would be produced by the reduction of prices; and not till then would that real prosperity return which the country was capable of attaining under its present state of taxation. He believed it was the opinion of ministers themselves that no adequate remedy could be applied to the evil. But although he concurred in this opinion, he nevertheless thought that no time should be lost by parliament in investigating its cause, and if no remedy could be found, in endeavouring to discover a preventive against the recurrence of one of the most tremendous and searching disasters ever experienced in the commerce of the country, and which in its course had visited every part of the community, and that in a time of profound peace. There were two classes of evils arising from the state of the currency, both of which might be referred in some degree to the same cause, though essentially different in their consequences. The first was its excess, which produced the exportation of the precious me-



tals, by affecting prices and the exchanges. These constituted a class of evils by itself, but one which it was the duty of parliament strictly to investigate, in order to prevent its return. Another class of evil attending the state of the currency was the insecurity with which it visited the lower orders of the community, by depriving them of the value of their labour and the profits of their industry. Important as the first class of evils was, the latter was by far the most serious grievance of the two. When he recollected the important prerogatives of the Crown—and all prerogatives of the Crown existed only for the benefit of the subject—none appeared to him more valuable or more efficacious than that of coining money, which, interposed as a shield between ignorance and fraud, protected that class of the community, and secured to them their humble gains. Those who depended upon their labour ought to be protected from being involved in the ruinous consequences of speculation. The state of the currency, however, exposed all classes of persons to ruin, who had no share in speculation, and who ought not to be placed within the reach of the evils which it occasioned. He would ask any of their lordships who had happened to be present in a country town at the time when one of the recent failures had taken place, whether he could bring to mind the scene of complicated misery and distress which he must have witnessed, without feeling that it was incumbent on him to do all in his power to prevent a recurrence of so dreadful a calamity? If the same hundreds or thousands of persons who had been exposed to this evil had been stopped in the highways and robbed of their property, such an event would have justly fixed the greatest stigma on the energy of Government, and the foresight of the legislature. But where was the difference between being so robbed, and being despoiled of property by the operations of an excessive paper currency? There was this difference—that the persons attacked on the highway would have the means of defending themselves from attack, whilst the community had no means of escaping from the consequences of an abuse of a paper currency. In country towns, local paper was usually the only currency in which the poor were paid for their labour. If they refused to receive the paper in payment, they must go without the reward to which their labour was entitled. The state of the currency as connected with the issue of small notes was, therefore, a subject which called for serious attention. The motion with which he meant to conclude, was not intended to attack in any way the measures which it was the intention of Government to propose; for as he thought it would be more difficult for ministers to show good grounds for having authorized the continuance of the issue of small notes, at a time when the benefit of a metallic currency had been obtained, than to prove the necessity for putting an effectual stop to any further issue, he trusted, that their lordships would second the views of Government by repealing a measure, which in an ill-advised hour parliament had, upon the recommendation of ministers, been induced to adopt. He believed there was no person who had read the papers laid upon, or about to be laid upon their lordships' table, but must now be of opinion that the excessive issue of small notes had had the effect of driving the precious metals out of the country, as well as of raising prices generally, during the last two

years. This observation applied more particularly to the notes of country bankers. The effect produced by an excessive issue of small notes had been most correctly described in a pamphlet, which could not be too highly praised, and which proceeded from a gentleman who united the highest degree of practical knowledge with the greatest theoretical accuracy—he meant Mr. Tooke (hear, hear). That gentleman justly stated the operation of an over-issue to be this—the first effect was to create an artificial abundance of capital; the accumulation of capital caused a reduction in the rate of interest; by the reduction in the rate of interest facilities were afforded for speculation; speculation produced a rise in prices; the alteration in prices checked the progress of mercantile exports, and so caused the precious metals to be sent out of the country. Then ensued that lamentable and extensive distress which arose from an accumulation of stock purchased at high prices being obliged to be sold at greatly reduced prices, under the influence of alarm. That, he believed, was a correct statement of the train of events which was always liable to proceed from a paper currency, such as that which Parliament had permitted to exist until 1833. He therefore thought that it was the duty of Parliament to check the issue of small notes as speedily as possible, consistently with safety to the country and existing transactions: and the mode in which the noble earl (Liverpool) proposed to effect that object, by allowing no more one and two pound notes to be issued, and by limiting the currency of those already in circulation to three years, seemed entirely unobjectionable. He must, however, take that opportunity of stating, that whilst he concurred with the noble earl as to the expediency of stopping the issue of small notes, he had heard with great surprise, within the last four-and-twenty hours, of a step taken by Government which he conceived to be quite unnecessary, and which he considered to be most unconstitutional. He alluded to the steps taken for the purpose of defeating an existing law, during the sitting of Parliament, without any communication whatever having been made on the subject. He could not see why, if Government had the power to dispense with an existing law without the intervention of Parliament, the same dispensing power might not be applied to other laws, and, though perhaps judiciously exercised in the first instance, grow up into a system of interference with established laws on the part of the Government, which would have the most dangerous results. It was, therefore, the duty of Parliament to reprobate the first instance of the exercise of such a power. He entertained a hope that ministers, upon reviewing the transaction, would, for the sake of precedent, feel it incumbent on themselves to come to Parliament for a bill of indemnity, for having done that which, however expedient, was constitutionally wrong. With respect to the consequences of suppressing the issue of small notes, he entertained no apprehension whatever. It was, he knew, the opinion of some of their lordships, and of many persons out of doors, that a paper currency, whatever might be the evils to which it must be admitted it was liable, was nevertheless a species of accommodation, of which the country in its present situation, and with its existing amount of taxation, stood in need. That was a most important point for considera-

tion. It would become their lordships, before they concurred in the continuance of so great an evil, to weigh well the value of the accommodation which it was calculated to afford. After the most attentive consideration which he had been able to give to the subject, he could not bring his mind to believe, that it was at all advantageous to enable a person to do that without capital which should only be done with capital—that it could be beneficial, by throwing artificial capital into the market, to produce a rise of prices, which must, upon the artificial capital being withdrawn, be followed by a corresponding fall. He knew of no legislation which would prevent such an artificial rise of prices from being followed by a revolution, as certain as that of the planets round the sun, and bringing ruin and destruction along with it. — It being admitted that the effect of an issue of paper was to raise prices for a time, it remained to be considered whether the average rate of prices might not be as great under a metallic currency. Suppose a commodity, which, under a paper currency, sold at one time for 100*l.*, and at another for 50*l.*, should, under a metallic currency, sell at two different periods for 90*l.* and 60*l.*; the average was the same, and it was certainly more advantageous to the interests of the community that a steady scale of prices should exist, than that a constant fluctuation should take place, occasioned by a system of paper issues, which had the effect of driving the precious metals out of the country, and thus producing a sudden vacuum, under the influence of which prices fell much lower than they ever could under a metallic circulation. Some persons, he knew, held the opinion, (and it was one of the most extraordinary opinions he had ever heard) that this, the most opulent country in the universe, could not procure such a share of the precious metals as would enable her to carry on her commercial transactions. He knew that such an opinion was contrary to fact; and he derived his knowledge from accounts on their lordships' table, and from others not to be found there, but which were within the reach of every one who wished to make himself acquainted with the subject. It was proved by experience, that when any occasion for it existed, a flow of gold into this country never failed to take place. In deference to that species of mystery with which the Bank of England liked to surround itself, to a greater degree, perhaps, than was expedient, he would not particularize dates, but he would state as a fact, which could not be contradicted, that on one occasion the Bank was able, in the course of two years, to increase a treasure of less than three millions of gold to fourteen millions. He therefore felt no apprehension of a scarcity of the precious metals. He, however, wished it to be understood, that he reserved himself with respect to the question of the effect of the amount of taxation taken in connexion with a metallic currency on the general means of the country.—Whilst he entertained the opinion which he had expressed, of the propriety of checking the issue of the small notes of country banks, he was equally desirous to see the Bank of England deprived of the power of circulating notes of the same kind; and this brought him to the consideration of the share which the Bank was supposed to have had in contributing to the transactions of last year. Having arrived at that part of his subject, it would be most unfair to pass by the

opportunity of stating, that in the recent transactions between Government and the Bank, with respect to the surrender of part of the privileges of that body for the purpose of facilitating the formation of solid banking companies, the readiness with which that body had displayed to meet the public necessities, did them very great honour. So far, also, as he was informed on the subject, the Bank deserved great credit for the promptitude with which they endeavoured to arrest the effects of the late panic by a great issue of small notes: but it would not be candid in him if he did not add, that the Bank, in the first instance, so far from having arrested the progress of the late evils, had increased them by the extent of its issues. He believed it would appear, that in 1825, but more particularly in 1824, whilst the country bank paper was being increased, considerable additions were made to the issues of paper and discounts of the Bank of England. After the language which was held by the highest authority of the Bank some time ago, he had a right to state that the period to which he had alluded was not the proper time in which such issues should have taken place,—it was a time when an efficacious check upon the paper circulation might have been administered by the Bank, and could not have failed to produce a salutary effect. During the progress of that inquiry in which their lordships were engaged some time back, and the result of which was known by the name of the bullion report, one of the highest persons connected with the Bank, when asked what he considered to be the criterion (independently of the exportation of the precious metals) of an excess in the issue of paper currency, replied, “A state of trade in which money is hawked about every where, and in which many persons are induced to undertake uncertain and imprudent speculations.” He would ask their lordships whether, independently of the exportation of the precious metals, which was actually taking place in 1824, to South America, a more accurate description could be given of the state of trade and speculation in England at that period than was to be found in the words which he had just quoted. Money was hawked about everywhere, and the most imprudent speculations were going on. He was inclined to hope much from the abandonment of part of the Bank privileges. There were some persons who did not anticipate any benefit from that measure, because it had seldom happened that the full number of partners allowed to carry on banking business, under the existing law, had established themselves as a firm; but he did not attach much weight to that argument. With respect to another part of the measure which he understood was to be proposed,—namely, that which would require country bankers to give securities—he must confess it did appear to him, so far as he had been able to consider it, to be attended with so much difficulty in its application, that he very much doubted whether it could ever be carried into effect. He thought that much more good would be effected by giving some degree of publicity to the transactions of public banks than by requiring securities. A periodical statement of their affairs would operate as a check upon improper conduct, whilst it would leave them in full possession of their funds, which would in a great degree be tied up under the proposed system of securities. He hoped, therefore, that the noble earl would, upon reconsidering the



subject, be inclined to abandon that part of his plan which related to the requiring of securities. He ventured to suggest that it would be expedient to provide, that wherever country bank notes should be issued, there they should be made payable. Such a provision would remedy the inconvenience which had been found to result from country banks establishing branch banks in different towns, which issued notes payable only at the original bank. He had now stated generally the observations which occurred to him with respect to the measures which it was the intention of ministers to propose. There were many persons, he was aware, who were of opinion that the effect of those measures would be to bring back the currency to the state in which it was placed by Mr. Peel's bill; and that it would, in that event, be impossible for us, with the existing load of taxation, to fulfil our pecuniary obligations. These same persons approved of the artificial paper currency, because they considered that it enabled them to fulfil those obligations which otherwise they could not do. He was unwilling to admit the possibility of the country being incapable of fulfilling all its engagements (hear, hear). If he could entertain such an opinion,—if he could bring himself to believe that the country was unable to meet the demands upon it,—he would say, in God's name declare the fact, and adopt a system of policy applicable to the situation in which we were placed. Proceed upon fixed principles, but abandon a system which caused perpetual revolutions,—creating at one moment a state of artificial prosperity, and at another plunging the country into a state of unnatural depression,—a system which scattered ruin not only amongst the commercial classes, but to the right and to the left through every part of the community, depriving every man of any certainty in calculation, and of the means of knowing, as he was entitled to do, the value of the currency, and liable to have his whole stock, the produce of years of industry, left almost valueless. He hoped and believed that the measures to be proposed by ministers would have the effect of putting an end to a system of currency which produced such calamitous effects, and would also place the banking establishments of the country on a firm and solid foundation. He concluded with moving for the following papers:

" 1. An account of the number of Bank of England notes in circulation on the 15th of Feb., the 15th of May, the 15th of Aug., and the 15th of Nov., in each year, from 1819 to 1825, distinguishing the notes for 5l. and under; and a like account of notes of the banks of Scotland and Ireland.

" 2. An account of all the notes issued by country bankers in England, Scotland, and Ireland, from 1819, up to the latest period at which the returns could be made, distinguishing the amount of the notes, and the period at which they were issued.

" 3. An account of the number of bankrupts in England, Scotland, and Ireland, from 1819 to the latest period at which the return could be made, distinguishing those who were bankers.

" 4. Copies of all charters granted to banking establishments during the same period."

The Earl of *Liverpool* did not rise for the purpose of opposing the motion, nor did he feel it necessary to trouble their lordships with more than a few words on the present occasion.

His lordship said: first, because it would be his duty at a very early period to submit to the consideration of the house certain measures, which would afford him an opportunity of stating his opinions with respect to the present posture of affairs; and, secondly, because there was hardly a sentence which the noble marquis had uttered, from beginning to end, with which he was not disposed to agree.—He had, however, felt it necessary to rise for two reasons: first, to state the grounds on which he agreed to the motion.—As long as the Bank of England continued under restriction, he thought that parliament not only had a right, but that it was their bounden duty to call from time to time for the accounts of the Bank, in order that they might be fully acquainted with the proceedings of that body; but the restriction having expired, and the Bank being under no control from Parliament or the Government, he did not conceive that Parliament was entitled to call for information from them as a matter of course. The information which the noble marquis sought for might be obtained, though perhaps not so completely as would be desirable with regard to dates, from the stamp-office. Upon the stamp-office, Parliament had a perfect right to call for such information. But though he agreed to the motion, in this shape, under the particular circumstances of the case, he did not think it one which should be made as a matter of course in every session.—The other point upon which he felt it necessary to trouble their lordships,—one with respect to which he felt that a considerable degree of responsibility attached to him and to his rt. hon. friend (the Chancellor of the Exchequer)—was the refusal for the present to stamp any one or two pound country bank-notes. The measure was not adopted until notice had been given to parliament of the intention of Government to effect such an object by legislative enactment, and it was only resolved upon in order to prevent the views of Government from being defeated whilst the bill was in progress through parliament. Government had positive information that there existed an intention of doing that which would have thrown considerable obstacles in the way of the measures which it was the object of ministers to recommend to parliament. If he were asked, why he had not adopted the course of applying to parliament for a short bill to sanction the proceeding, he would reply that that step could not have been taken without the greatest partiality and injustice. The bankers near the metropolis would have got their notes stamped whilst the bill was passing, an advantage of which the bankers at a more distant part of the country could not avail themselves. Under these circumstances, it was considered advisable to adopt the measure which had been alluded to without any previous application to parliament.

The Earl of *Lauderdale* said, that the late distress was not so much the effect of an over-issue of paper money, as of the extravagant speculations which had lately prevailed throughout the country, and which the learned lord (*Eldon*) had, in a court of law as well as in that house, done his best endeavours to put an end to.

The Earl of *Caernarvon* approved of the plan of extending the number of partners in banking establishments, as a measure calculated to give them increased confidence throughout the country; and agreed also in the propriety of each of the partners in such establishments

being made liable in the whole amount of his property for the concerns of the bank. This would create a class of merchant bankers, who would have an interest in attending to the affairs of the bank, and would operate as a check against over-issues. Accompanied with these measures, he would gladly see the country return to silver as the standard of the currency, such as silver was at the old mint-price. This would, in his opinion, place the currency of the country on the most solid and satisfactory footing. As to the proposed measure of withdrawing the one and two-pound notes, that was in his opinion, by no means calculated to remove present evils. Such a measure would operate injuriously to the farmer, and to the humble class of agriculturists and dealers in the country, who principally carried on their business by means of the one and two-pound notes. Besides, great injury would be done generally to the community, by withdrawing so large a sum as six or seven millions—the amount of these small notes—from the circulation of the country, and that at a time, when it was desirable to give it an extension. That the withdrawing the one and two-pound notes, and the substitution of a metallic currency, would not go to the root of the evil, appeared, not from his statement merely, but from the letter of the First Lord of the Treasury, and his Colleague the Chancellor of the Exchequer, to the Bank Directors. It was there stated, that “though a recurrence to a gold circulation in the country, for the reasons already stated, might be productive of some good, it would by no means go to the root of the evil.” The letter proceeded thus:—“We have abundant proof of the truth of this position, in the events which took place in the spring of 1793, when a convulsion occurred in the money transactions and circulation of the country, more extensive than that which we have recently experienced. At that period nearly a hundred country banks were obliged to stop payment, and parliament was induced to grant an issue of Exchequer Bills to relieve the distress. Yet, in the year 1793, there were no one or two-pound notes in circulation in England, either by country banks or by the Bank of England.” As the distress prevailed, therefore, when one or two-pound notes were not in circulation, as well as at a period when they were, the house ought to pause before it gave its assent to a measure which would withdraw so large a sum from circulation, and deprive the country of the accommodation it afforded. At the period of the South Sea scheme, there were no one or two-pound notes: yet then and in 1782 and 1783, and at various other periods, was there not distress as great, and even greater, than the present? As, then, these evils existed when small notes were not in existence, he owned he was disposed to attribute them to other causes, and was unwilling to give his assent to the abolition of these small notes, without some further information than the house was already in possession of, as to the expediency of such a measure. For his part, he did not see the evil of a paper-currency. At the time of the bank restriction, in 1797, the business of the country was mostly transacted in paper, and during the subsequent progress of the war, down to the resumption of cash payments, at the close of it, a paper-currency was maintained, without any great inconvenience, or without our experiencing such distress as we did at present. Means should certainly be devised to prevent a greater circulation of

than there was metal in the country to meet; and if this were provided for, he saw no objection to the circulation of notes, whether of great or small amount. An objection had been made to small notes, that by extending our circulation, they had a tendency to diminish the interest of money. Now, though that were the case, it did not weigh as an objection with him; for in all states which were in a state of prosperity, and where there was much money and much commerce, money was held at a low rate of interest; whereas, the interest of money was always high, where there was little money (bear, bear). In all the discussions, and all the proposed alterations of the currency, we should never omit to bear in mind that enormous weight upon the country—the National Debt. When it was considered that the interest of that debt was to be paid, and when the distresses of the country were at the same time borne in mind, what must be the effect of withdrawing six or seven millions from circulation? The effect of such a contraction must be, that the Chancellor of the Exchequer would go down to the house of Commons next year, and would with difficulty be able to state that the revenue of the country was sufficient to discharge the interest due on the national debt, and to defray the current expenses. And it should be remembered, that we were now in the tenth year of peace, and that there was no likelihood of our being able to do more, during the probable period we might continue at peace, than supply our immediate exigencies.—The currency of the country had gone through every variety of fluctuation—it had been over and over again tried in the crucible—paper was converted into gold, and gold again into paper, and still a new change was found necessary. In Scotland, an approved system of banking had been brought to the test of experience. This was admitted in the letter of the noble Earl (Lord Liverpool).—“In Scotland, there are not more than thirty banks; and these banks have stood firm amidst all the convulsions in the money-market in England, and amidst all the distresses to which the manufacturing and agricultural interests in Scotland, as well as in England, have occasionally been subject.” And it was not a little extraordinary, that whilst ministers were inducing us in England to abandon a system which sanctioned a small note circulation, they admitted the efficacy of such a system in Scotland. He would wish to see banking establishments of equal solidity in this country; at all events, he hoped the house would come to no resolution without the fullest information. With a view of supplying that information, he moved, “That there be laid before the house an account of all the notes issued by the Bank of England and the country banks since 1790.” The motion of his noble friend (Lord Lansdowne) went only so far back as 1819, but he was desirous of reverting to an earlier period, for the purpose of considering the issues of that period, and particularly of 1793, 1795, and 1797, and of comparing them with those of the present time when similar distresses prevailed.

These motions were then agreed to.

### *Country Banks.*

COMMONS.—Mr. Hume moved for an account of the number of country banks issuing notes, which had become bankrupt in England 1816; stating the places at which had been carried on, the



number of partners in each establishment, the amount of debts proved against each establishment, and the dividends paid. The house would then have before it, as it ought to have, pending the discussions which were about to take place, a statement of the amount to which the public had suffered by the country-banking system.—At the suggestion of Mr. Pascoe Grenfell, the account called for was extended to Scotland.

Mr. *Maberly* thought the motion altogether objectionable, as an interference with the affairs of individuals, in which the house was not warranted. If it was once established that any member might move for an inquiry into the private concerns of parties, it was difficult to see where the principle would stop.

Mr. *Pascoe Grenfell* said, that he saw no objection to the motion. He had added the suggestion of extending the account to Scotland, merely because he understood that the return from that country would be nil, for he believed no bankruptcy had occurred in that part of the kingdom.

Mr. *John Smith* said, that when an interference with the private affairs of individuals was spoken of, it ought to be recollected that the country bankers stood in a very different relation with the public—that theirs was a different case from the case of merchants or ordinary traders; and he was therefore disposed to support the motion. While he was upon his legs, however, he wished to put one question to the Chancellor of the Exchequer. He had not until that morning read the correspondence between the Treasury and the Bank of England; but in reading it he had been much struck with a paragraph which stated that the country banks—all of them, and without reservation or exception—had for some time fostered, supported, and encouraged, a rash spirit of speculation. Now, in the name and on behalf of very many country bankers who claimed to be considered and treated as men of honour, prudence, and integrity, he begged to say that they expected the Chancellor of the Exchequer, in the course of his speech upon the subject generally, would name the evidence and grounds upon which he had made that sweeping observation. At the same time, too, it would perhaps be convenient to the rt. hon. gent. to show to parliament the advantage and the policy of directing public odium against the country-banks so peculiarly at the present crisis.

The Chancellor of the Exchequer saw no objection whatever to the motion of the hon. member (Mr. Hume). Such a return, as far as it was needed, could do no mischief to parties who might have failed and were in business again; and if any part of the detail proposed was likely to be painful, no doubt the hon. member would consent to have his motion altered. With regard to what had fallen from the hon. member (Mr. J. Smith) he could only say, that with reference to the language in which the country bankers were spoken of in the correspondence between the Government and the Bank of England, he could have no objection to give every explanation and satisfaction to those who might fancy themselves injured thereby. Most certainly, it never had been the intention of ministers to convey the slightest imputation against individuals. Their argument was merely to the general system of country

banking. But even if the charge had been against individuals, he could not look at it with the hon. member who possessed,

and traded with, considerable capital, was, more or less, an encourager of speculation; and to say so, was neither an impeachment of his honour or his integrity.

Mr. *Calcraft* said that without the rt. hon. gent.'s explanation, he certainly should not have understood the expressions, "rash speculations, aided, fostered, and abetted, by the country banks," as exactly placing the country bankers upon that high and advantageous ground which it seemed they really occupied in the rt. hon. gent.'s opinion. For himself, however, he denied the fact that it was by the issues of the country banks that the rash spirit of speculation, as it was called, which had existed in the country, and the enterprises to which that spirit had led, had been supported. Seventeen millions of paper could not have been issued by any country banks for purposes of speculation, and that speculation carried on in London; for, as fast as a country note made its appearance in London, what was the effect? It was instantly converted into a Bank of England note, or into gold, or the banker was discredited. It was well for ministers to talk of country paper: the rt. hon. gent. had as much accommodation paper in the market as heaven knew how many of the country banks put together; and nothing had more contributed to do mischief in the late panic than the immense amount of Exchequer bills afloat. Government, deal as it would with the system of the country banks, would do little good until the issue of Exchequer-bills was limited. He supported the motion of the hon. member for Aberdeen.

Mr. *Hudson Gurney* said that the whole system of country banking was opposed to speculation, which the country bankers, of all mankind, were most interested to prevent. When the whole country was carried away with a rage for speculating, then, indeed, they had no choice or discretion to use; they must facilitate the views of their customers. The rt. hon. gent., as it was understood, wished to have the Scotch system of banking introduced, as one less favourable to speculation. The Scotch system did not discourage speculation. He was convinced that the introduction of it into this country would lead to more bankruptcies, though it might not lead to the breaking of more banks. Bankers, as he said before, must direct their operations by the wishes of their customers; and to whatever extent speculation might go, the operations of banking must go on to that extent also. Being compelled to assist the general transactions of their customers, they must of necessity add to the general confusion. If speculation prospered, they must help it with advances, increase the quantity of the general circulation, and raise prices, and thereby encourage speculation; while, on the contrary, if speculation went back, the bankers, for self-security, were under the necessity of retracting, and so increasing the general embarrassments. He next adverted to the depreciation which had affected the currency in 1812, and which was generally allowed to have reached full 35 per cent. That depreciation had acted upon the general interests in different methods ever since, and mainly by affecting prices. In any case, it was clear that a sufficiency of circulation should be kept floating to secure a rise of prices equal to that depreciation of the currency under which the bulk of the burden of the national debt was undertaken; otherwise the engagements of the country must fail throughout. For his own part, he did not approve of

the circulation being left at the discretion of country bankers—he could wish to see it taken out of the management of private hands. But it was impossible to do away with the paper-currency of country banks, unless measures were taken in accordance with the depreciation of 35 per cent. which, if not kept up by some sort of additional currency, would bring on universal bankruptcy, and a state of distress, to which the distresses of 1816, 21, and 22, would be as nothing. The depreciation must be met by measures which would sustain prices in the same proportion of 35 per cent. or prices must fall; and in that case, how the country could meet its multiplied engagements was more than he could tell.

Mr. Robertson praised the Scotch system of banking, which had raised Scotland, from being one of the poorest countries in the world, to the highest pitch of prosperity.—He chiefly condemned the new, rash, and adventurous system of commercial policy which ministers were avowedly pursuing. Let the house consider what it was for the country to send out 24,000,000*l.* of its wealth annually in exports, without any return, and then say whether or not they could do without the aid of country bank paper. By the country banks the nation had been enabled to sustain this draining upon its resources without absolute exhaustion. Should they draw in their one and two pound notes, the evil which was stalking through the land would be aggravated tenfold. He was astonished that the house could submit, in the face of their own experience, and solely on the credit which they gave to ministers, to sanction them in their fixed resolution of pushing forward their new commercial system, to the disadvantage of all the more important interests of the country—agriculture and manufactures. What was the commercial interest, compared with these? It was yet in the power of the landed and mercantile classes to do something in the way of prevention. How could they so quietly agree to the course which threatened them with such dangers? The evils which threatened the country were glaring, yet no man stepped forth! no, not even to challenge inquiry. While thousands of families out of doors were threatened with destruction by the proceedings of ministers, the house appeared to be perfectly insensible to those sufferings which, if not averted, must ultimately fall upon themselves.

Mr. Tierney wished to ask a question of the Chancellor of the Exchequer, in order to resolve a doubt suggested by the correspondence between the Bank of England and Government, concerning branch banks. In the answer of the Treasury committee of the Bank to the communication from ministers, they said, "Finding also, that the proposal by the Bank of establishing branch banks is deemed by his Majesty's ministers inadequate to the wants of the country, &c." what he wished to ask was, whether the Bank of England had made any proposal of itself to establish branch banks, what was the nature of that proposal, and why it was not before the house?

The Chancellor of the Exchequer said, that no such proposal had in fact been made in the written communications of the Bank. Something of the kind had passed in the course of the discussion; but no direct proposition to establish branch banks of their own had been advanced in writing by the Bank of England.

Mr. Pearse said that no such proposition had been expressed in writing by the Bank. The subject might have been touched upon verbally

and incidentally; but in point of fact no specific proposition had been made. The expressions in the answer of the Bank went too far; although for years past that plan had been repeatedly a subject of conversation as well in the house as elsewhere.

The Chancellor of the Exchequer wished to add one word of explanation, in order to set right the hon. member (Mr. Calcraft), who had perfectly misunderstood what had fallen from him on a former night. That hon. gent. spoke as if he (the Chancellor of the Exchequer) threw the whole blame of the excessive issues of paper on the country bankers. It was quite incomprehensible how the hon. gent. could so far misunderstand him. He might have wanted precision in the language which he had used, but if he recollected rightly, judging also from the impression on his mind at the time, it was not possible that he could have charged upon the bankers the whole of the over-issuing of paper, or even the originating of the causes or transactions which led to that excessive issue. His opinion then was, and it still remained, that excessive speculation had brought on that crisis in which the country was yet partially involved; but that such excessive speculation must always remain incidental to, and inseparable from, the affairs of a country of great commercial enterprise. He had instanced the distresses of 1819, which, when passed, only had the effect of increasing public confidence, from which increased speculation again arose.

Mr. Calcraft explained.—The motion was then carried.

### *Small Notes Stamps.*

Mr. Calcraft said that the stoppage of the stamping of country bank notes was on the part of ministers a glaring violation of the existing law, and ought not to have been perpetrated without notice. Did Government mean to continue the instructions already sent to the board, to prevent the farther stamping? If they did, he would tell the rt. hon. gent. that the publicity of such a proceeding would immediately cast so great a discredit on the country bank-notes, as to throw the local circulation in every corner of the kingdom into the greatest confusion. The effect would necessarily be, and it never could have been contemplated by ministers, that the panic which was said to have been on the eve of subsiding, must be perpetuated.

The Chancellor of the Exchequer replied, that he had taken the step alluded to on public grounds, and if it were proper so to take it, it would be quite inconsistent, indeed absurd, were he not to continue it. It would be remembered, that it had been thrown out in debates that this course must be taken, or it would be impossible to withdraw the small note circulation in the country. Ministers had, therefore, no alternative. That they had violated a law must be admitted, and so far they must be strictly said to have acted wrong; but they were prepared to meet parliament, and he judged upon the wisdom and justice of the course which they had thus taken.

Mr. Calcraft did not mean to say that the ministers were in this business actuated by improper motives; but he believed that in this, as in many other instances, they had committed a great error in judgment, and fallen into heavy mistakes (hear, and a laugh). Why not have mentioned their intention, and the parties would



have then known their situation? They might rely upon it, that this harsh and abrupt measure would deteriorate the local currency, and keep alive the panic which they thought had subsided.

Mr. *Ellice* said that it might have been better if the parties could have been apprized of the intention of Government; but, perhaps, the notice would have only had the effect of causing a greater stamping of notes at the moment, which might have ultimately defeated the main object they had all in contemplation. The act, however, must be estimated upon an actual review of the existing state of things, and not upon a remote apprehension of contingent dangers. He should very much lament if the panic were continued by this measure; but the house must judge, whether the suppression of the small note circulation could have been effected without some such proceeding.

### *Bank Charter and Promissory Notes Acts.*

FRIDAY, FEB. 10.—The order of the day for the house resolving itself into a committee of the whole house, to consider of an alteration in the Bank Charter\* and Promissory Notes† acts, having been read,

Lord *Folkstone* said, that the question then to be considered was one upon which the house ought to have had information beforehand, so that each member might have known that he was safe in engaging in whatever the house might be called upon to do. In his opinion the right hon. gent. (the Chancellor of the Exchequer) had stolen rather an unfair march upon them. On the first day of the session he had given notice of a motion upon the subject generally, which was to come on at an early day. On a subsequent day the right hon. gent. had explained more fully that his motion would go to a consideration of the Bank Charter acts in a committee of the whole house, which order was fixed for this day. On Monday last the right hon. gent. came down, and moved that the acts respecting the Bank Charter and Promissory Notes should be entered as read. They now passed at once to the order of the day for going into the committee. The objection which he had taken, might appear technical only, but it comprised something very essential to the order of their proceedings. The house might be very right in agreeing to go into the committee; but, as the case stood, they had been led into an admission, which perhaps they might not have made upon a more regular discussion. He, for one, was not at all prepared for the discussion of the measures to be proposed in the committee; he was without the necessary information. If, indeed, the right hon. gent. would begin now, on the question that the Speaker do leave the chair, and detail his plan, and show clearly the nature of what he intended to propose in the committee, his objection would be obviated. But if he required the house to go first of all into the committee, then would the house be treated, in his opinion, most unfairly, because they were driven forward to an undertaking, the reasons or necessity for which were not yet explained or decided upon. And this was one of the inconveniences arising from the

practice which now constantly prevailed in voting for an address in answer to the speech on the first day of the session—that they always found themselves pledged to the measures of Government in a degree which was found to restrain them afterwards. He well remembered that several gentlemen protested against being pledged by that address to the support of the measures which might be proposed upon the various subjects to which it referred; his learned friend (Mr. Brougham) especially exempted himself from any pledge of concurrence as to what might afterwards be made the construction of any sentiment contained in the speech or the address. His was not, then, a technical or formal objection, but one which was of general consequence.

The Chancellor of the Exchequer was not aware that he had stolen a march on his lordship, the house, or the public. He had before intimated that he meant to state the views of Government in detail in the committee on the Bank Charter and Promissory Notes acts, and neither on the first or second days of the session, had he heard any objection to this course, nor at any other time, so that he had no reason to anticipate that such an objection would be made then. The proposed course of proceeding was the proper one, and they never would be able to enter with advantage upon the consideration of any great public measure, if they were to be stopt, *in limine*, by these objections. The course was the usual and most convenient one; for he might frequently be called upon to make additional statements and give explanations, which he could not formally do in the house, whereas, in the Committee, he would be quite unfettered.

Mr. *Baring* complained that the course taken was only suitable to subjects of a common and obvious kind. Were they about to consult on a subject of the most insignificant or frivolous nature, they could not proceed with greater levity; whereas this was a subject which should have been preceded by every possible means of intelligence; many papers and documents ought to have been produced, some of which were actually moved for by members, no doubt with a view to their usefulness on this occasion; all the lights which could be acquired ought to have been produced to help gentlemen to a clear apprehension of that which it was so difficult for them without it to understand. But at the same time so urgent and pressing was the whole subject, so sensitive was the whole country, so anxious did they feel to know what the Government were going to propose, that he could wish his noble friend on this occasion to waive his objection. After all, if they should not find themselves in a condition to go on with the discussion, they might dismiss the motion altogether, or report progress, and ask leave to sit again.

Mr. *Calcraft*:—The noble lord was right in his objection to the course taken; but it would not have the effect of precluding objections to the plan, even in its preliminaries (hear, hear).

The Speaker then left the chair.

The Chancellor of the Exchequer:—If he did not feel that he was acting in the discharge of a great public trust, however unworthy or unfit he might be, he should be appalled at the magnitude and difficulty of the subject on which he had now to address the house. He was well aware, that notwithstanding the impression on his own mind was clear as to the real causes, and the proper remedy for the evils

\* 8 and 9 Will. III. c. 20, and 4 Geo. III. c. 52.  
† 3 Geo. IV. c. 70.



which had lately visited the country, that he was likely to meet with no light hostility to his propositions. He perfectly understood the feelings of some individuals on the agitation of any topics of this nature; and to any observations which might flow from him in the course of this discussion, he was prepared to meet no small degree of misunderstanding as to the principles and grounds on which he proposed to rest the projected measures. One source of reliance at least he found in himself—he came to this deliberation with a good conscience; and he hoped that he might venture to ask the house for their gravest attention (hear, hear): more particularly, because he felt a fear within himself, that he could not compress within those limits which the house usually expected to be observed, the various parts of so intricate a subject. He entreated the indulgence of the house, therefore, to the extent of a patient hearing; not deprecating any hostile observations, in whatever spirit pronounced; but only asserting his claim to that forbearance and attention which the subject demanded, and without the extraordinary exercise of which it would be utterly impossible for him to discharge the duty which he owed to Government, the house, and the country (hear, hear). Before he stated at large the views of the Government, or gave any exposition of the facts connected with the case, or the grounds of the measures which he had to propose, and which, according to the conviction of ministers, the best interests of the people and the safety of the country required, he would make a few observations, in reply to one objection of a very general kind which had been made in various quarters—that it would have been more prudent had Government altogether abstained from making any decided allusions to the causes of the late general distress. He wished those who were of that sentiment would reflect on the situation in which ministers were placed, and reflect, not only on their situation, but also—which was a consideration of a thousand times greater importance—on the situation in which the country was placed. If they had not taken this course, it would have been impossible for them to have refrained from some other mode of interference. Had they abstained, and held themselves aloof, would they have been sure of silence in other parts of the house? Was it conceivable that upon a subject which roused the whole country, and occupied its feelings with the most intense alarm and anxiety, that such forbearance would be construed into any thing but criminal indifference? Would not the greatness of the subject, and the universal interest of the question, have been brought against them? Was it not well known that they were called upon repeatedly to state if they meant to do any thing, and, if so, what that something was? He would say that ministers would have deserted their duty, would have blinked the question, would have degraded themselves, would have betrayed their public trust, had they not deeply considered the causes which led to the general distress, and come forward with such propositions as they conceived most applicable. To enable the house to judge clearly; first, whether they ought to do any thing; and, secondly, if the thing about to be proposed by Government was the fittest thing to be done,—it was essential that they should have in their minds a clear apprehension of the causes of the evil; otherwise they could form no just idea of the remedy, they would legislate in the dark, and

perhaps do greater mischief than that which they designed to cure. He must observe beforehand, that it would be the grossest self-delusion were they capable of flattering themselves into a belief that any measures to which they could resort would act as an infallible remedy as to the future. Whatever they might think it necessary to do, they must not hope to apply a lasting remedy to the fluctuations of trade, the rise and fall of prices, or the ebb and flow of public and private confidence. These were the inevitable consequences of the transactions of great societies, and in a state of society like ours they must always act with peculiar force, increased as that force was by the superior activity and spirit of enterprise which prevailed among us. Our own national experience, and indeed the multiplied examples furnished by all history, proved that such derangements were to be considered as being of constant, he had almost said of periodical, occurrence. He was aware how this argument might be turned against him. It would be said, that if circumstances were so varying—if these distressing changes in the relations of property were so unavoidable—then any measure, whether of the kind about to be proposed, or any other, must be wholly useless. There certainly seemed an inconsistency; but he would attempt to meet it. Under whatever circumstances a currency existed—whether it were wholly metallic, or chiefly of paper, or partly metallic and partly paper convertible into metallic money, fluctuations of price must occur, from causes unconnected with the quantity of the circulating medium. Take the first case,—that of a country in which the currency should be wholly metallic: then suppose a succession of unfavourable seasons, which was a contingency often felt in every part of the world. Suppose that the supply of produce, from the nature of the laws and other circumstances, should be found deficient; during this series of years, it was plain that the prices of produce would have a tendency to rise; and the increase of profits would tempt the agriculturists to apply capital to those species of soil, which could not have been done had produce remained at its former price. The profits of this increased cultivation would place the owners more at ease; they would consume more themselves, and so stimulate other branches of industry to an increased production, of which the natural tendency would be, first to promote speculation, and then over-speculation, until it reached its farthest point. But the course of years, with the ordinary revolutions of the seasons, would restore prices to their original level. They all knew by experience how suddenly and frequently the prices of agricultural produce were raised and depressed; they all knew the immense occasional differences in the profits which were enjoyed by those who cultivated the soil, without any other causes intervening than the changes and variations of the seasons. The return of abundant seasons would throw them back again, and with them all those who had expended capital on speculations connected with the land: the consequences must be those fluctuations which had visited all communities in turn, and of which we had perhaps had in our own turn, and among our own people, more than our own share. But if these fluctuations were incidental to a country whose circulation was exclusively metallic, they were still more likely to occur in countries like this, where the circulation was partly me-



tallic, and in part composed of paper convertible into metallic money. Such a currency gave facilities both to the borrower and the lender; of which the inevitable tendency was a quicker rise of prices; and, upon any reverse, a more precipitate downfall. This tendency, then, in our own country, must expose us, whatever the legislature might do, to the most active species of fluctuation. Its results, too, would be infinitely aggravated, though not caused—he would take that distinction (hear, hear)—by a circulation like ours; because, when the paper circulation was not confined to notes of the larger denomination upon any increase of that commercial speculation which it inevitably encouraged, the tendency was to aggravate the insecurity of the bodies from whom the paper circulation issued (hear, hear). Gentlemen had said—and he believed those who knew a great deal about country banks; some of them, indeed, if he were not mistaken, connected with such establishments—that they did not care a farthing for the power to issue one or two pound notes—that they were not of the slightest importance to them; and one hon. gent. (Mr. H. Gurney) protested that he was anxious to get rid of them—that they were no profit to the country banker; but that, if the power to issue them were vested in every petty firm which might think proper to take upon itself the name of a bank, establishments of credit and respectability were obliged to send them forth from the competition which was necessary for their protection. If, then, they were neither a source of profit, nor an object of necessity, and if they had a direct tendency to increase the circulating medium beyond the point it would at any time be likely to reach without them, by the mode in which they operated upon the currency, affecting the exchanges, and rendering the Bank of England, and the country banks themselves, unable to meet their payments under any sudden demand, or any extraordinary alarm, he thought they were still farther to be deprecated, as directly controverting the tenor of the act of 1819; an act which, he trusted, no man could deny was passed, if ever any act in that house was, with the unanimous approbation of all the parties of which it was composed (hear, hear)—an act which had been solemnly resolved upon as the only measure which could enable the country to meet any future danger, which was to place the circulating medium upon a permanent and stable footing, and regulate permanently and effectually the whole of our commercial transactions. That they counteracted the tendency of that act was not to be disputed; and, if so, where was the new principle?—where was the innovation?—where was the departure from former practice?—where was the new and untried theory which some gentlemen had accused ministers of pressing upon the approbation of the house (hear, hear)? Was it not the mere carrying into more rapid practice the very system under which it had been declared the country could alone permanently flourish? He would say, that it was the hon. gents. opposed to them who were the theorists (hear, hear); they were the speculative men who were now about to pull their own house about their ears (hear, hear); they were the persons who—opposed to that system, which, he declared God, he considered of such absolute utility for the well-being of the country,

that he could not contemplate any derangement of it without the plea of the most overpowering necessity,—a plea which should even then be received with the greatest caution, whether it were urged against the use or abuse of any measure which they had so solemnly adopted. But, then, he was met by the assertion, that to touch the small notes would affect the paper credit of the country generally—would stop the public accommodation, and deprive every third or fifth man of the proper opportunities which he might otherwise have of transacting his business in the way most useful to himself, and convenient for the community: when this was said, let the matter be fairly argued. Would any man say, that it would be prejudicial to the currency, that those who had the management of it should be called upon to give security for its stability,—and was or was not that security wanted in the case of the notes of small denomination? These were the very notes which entered into the more ordinary business of the people; they were the notes which generally fell into the hands of that class who had nothing, perhaps, in the world but their labour to depend upon—into the hands of poor and hard-working persons, who might perhaps providently acquire out of the produce of their industry three or four of those one-pound notes, which they were holding to fall back upon in a time of need. What became of the prospects of that useful and praiseworthy class, when this source of supply was cut off from them by the failure of a country bank? Were it not for these notes, they would have had by them three or four sovereigns,—they would have had something solid to cling to in the hour of distress, instead of these worthless pieces of paper. At present, the poor man must depend on the operation of general speculations, of which he knew and could know nothing; or upon the effect of an over-issue of paper, of which he was equally ignorant, and had no power to avoid. And, then, when any panic arose, who was the first to rush forward to secure his property? The poor man (hear, hear);—he hears of distrusts and failure; and was it not natural that he, who had invested his little all, (to him of inestimable importance,) in bank notes, should be the first to press forward for payment,—the first to guard against consequences, which to him would be absolute ruin (loud cheers)? And thus was the panic commenced. Example, however, was contagious. The possessors of the larger notes were not so susceptible of the panic as the poorer classes, but they soon yielded to the common temptation, and so assisted in realizing all the dangers which they sought to guard against. The man who might have lain by—who felt none of the alarm—who entertained no doubt of the solidity of his banker—who was not agitated or affected by the busy rumours or bubbling of the day, became influenced by the contagion of example; and, while his superior information and more extended knowledge might prevent him from being the first to feel distrust, yet in the end he became unable to resist the temptation of grasping at that which further forbearance might endanger (hear, hear). It appeared, therefore, that the power of issuing these notes was one great source of the insecurity of country bankers. Men placed in such situations, and liable to such influences, could not be said to hold their credit upon permanent and secure foundations. Now, what



was the advantage of retaining these in circulation? Did it in the slightest degree atone for the danger they were capable of producing? So far from their being of real use to the sound portion of the country bankers, it appeared obvious, that their withdrawal would afford a greater surety for their concerns, although leaving them a smaller profit. It was this secure and solid part that was more intimately interested in the general stability of the whole; for, when the time of panic arrived, they were not in the first instance so much affected by the operation of their own issues, as they were by the general shock occasioned by the rush upon the immense number of less solvent banks, which, individually, had hardly a name, but collectively issued large quantities of paper of this description, which, at the same time that its reaction involved themselves in ruin, extended the violence of the shock to others around them, whose higher character could not avert the injurious effect which the general want of confidence inspired. Was not, then, the remedy to be found in getting rid of the dangerous part of this paper circulation, and in making the attempt was he proposing any thing new? Would the withdrawal of those notes take from the banking establishments any thing which in their formation had been deemed necessary for the transaction of their business, or for enabling them to conduct the commercial concerns of the country? Quite the contrary. The propriety of restricting the circulation of small notes was never questioned (hear, hear). Fifty years ago parliament, in taking into their consideration the manner in which the currency might be affected by the issue of paper, passed an act (in 1773) prohibiting the circulation of any notes under 20*l*. In 1777 this restriction, for the better accommodation of the increasing trade and manufactures of the country, was removed, and permission granted to issue notes not under 5*l*.; and in 1787, that act, which had been passed for a temporary purpose, was made perpetual—a proof that our ancestors, sometimes cited as bright instances of consummate wisdom, and sometimes as monuments of absurdity, upon the subject of political economy, thought at least, that it was not advisable to permit an unlimited issue of paper. In that state the law continued until 1797, the year of the Bank Restriction, when one and two pound notes were first brought into circulation. When the Bank restriction act of 1797 was passed, it was clear, that unless the prohibition were withdrawn from the circulation of the smaller notes, the country would be altogether deprived of the means of carrying on its business. It was, however, then intended, that the suspension of the law, which suppressed the small notes, should be always commensurate with the duration of the Bank restriction act; and in the year 1819, when the Bank restriction act was under discussion, the strongest opinions were pronounced, the united declarations of the parliament and of the whole country were proclaimed, that cash payments should, as soon as possible, be restored to the ancient basis. They would also bear in mind, that the committee which had then sat upon the subject, composed as it was of men of exceedingly different political opinions, who entertained adverse notions also upon the principles on which the currency ought to be governed—they would bear in mind, that in that very report, framed by men such as he had described, not one word could be shown

could a syllable be found in the evidence on which it was founded, indicating any such opinion as that the circulation of the small notes was a thing so desirable as it was now attempted to be declared, for the agricultural interests of the country or for its commerce, or essential in any way for its real transactions—not one word escaped from that committee to sanction any opinion that the suspension of the old law ought to be made perpetual. When his rt. hon. friend (Mr. Peel) had brought in his bill, than which there never had been a more important measure under discussion, or one which had been more ably considered in all its details—even then the parliament, in making provision for the resumption of cash payments two years afterwards, namely, in 1821, never dreamt of the possibility of allowing the circulation of these notes for a series of years after the Bank were allowed, or compelled, to pay their notes in cash. With respect to the subsequent act of 1822, which allowed the circulation of this class of notes, he now confessed, as he had indeed admitted the other night, that he had always felt regret, and still did regret, the step taken on that occasion by parliament (hear, hear). It was, however, then understood in the different communications that had taken place between the Government and the country bankers, and more particularly in those which had occurred on the subject of their making deposits as a security for their credit, that though they objected throughout in the strongest manner to the deposits, many of them were content to surrender the issue of the 1*l*. and 2*l*. notes. So far as the bankers were concerned, then, they could not now turn round and affect to set a prominent value upon that which they had on former occasions treated so lightly. As the law now stood, these notes might be issued till 1833. Was he proposing any new principle, when all he contended for was, to revert to the system which was sanctioned in the year 1819, as the future basis on which the currency was to rest, at a somewhat earlier period? Those, then, who were prepared to argue that the circulation of these small notes was essential to the country, as an hon. member (Mr. Gordon) had done, and that the rents of the landed proprietors could not be paid without them, were driven to this position—if their arguments were right, they were bound not to stop with opposing his proposition, but to call for an eternal continuance of the circulation of the small notes (hear, hear). Then who would be the parties calling for a change? Not, as he had said before, the Government, but those who, contrary to a repeatedly established principle, demanded the perpetual duration of a small paper currency. He was astonished at the hon. member's attempt to establish a connexion between rents and these notes: he wondered what new light had broken in upon him; he should be glad to learn whence the flash came, for no ray of it had sparkled in any of their previous discussions, and his own belief was, that so far from this species of circulation assisting in the maintenance of the country gentleman's rent-roll, it would be impossible for rents to be paid at all, should it be long continued (hear, hear). It was possible, however, that the arguments to which he alluded might not be pushed to their extremity by all who were opposed to his plan; but that



manner in which it must practically cramp the circulation, lower the price of produce, embarrass all the transactions of agriculture and commerce, and paralyze the industry of the people." Now he would reply, that these apprehensions, alarming as they sounded, were purely visionary. The experience which could be quoted against it was decisive of the argument; for in 1819 it became necessary for the Bank of England to take measures to meet the operation of the then approaching law, which provided within a short period for the payment of their notes in cash on demand. The mode which they adopted was, to contract their issues as speedily as possible, so as to bring the foreign exchanges, which were running against this country, to a more favourable point, to lower the price of gold. It appeared from certain documents that after the Bank had made these arrangements, there had been coined at the Mint a sum of not less than 25,236,000*l.*; and he would explain the periods when this coinage took place, from which it would be seen, that a very large proportion of it was introduced into this country in the three years that immediately succeeded the passing of the act of 1819. In 1820, there were coined at the Mint 949,000 sovereigns; in 1821, 9,520,000; in 1822, 5,250,000. So that in three years, the Bank succeeded, after righting the foreign exchanges, and reducing the price of gold, in having coined 15,000,000 sovereigns. He did not mean to say that this process was conducted throughout without distress. In 1819 some difficulty certainly prevailed, as also in 1820, and again in 1823; but upon turning to the prices of commodities, which indicated more activity in trade, and greater capacity in the people to purchase, they would find that in 1822, notwithstanding this great operation respecting the currency, affairs had greatly mended; and this was apparent while the paper of the country banks and of the Bank of England had become greatly diminished—the latter necessarily, for otherwise they could not have carried their contemplated measures into effect. This diminution was apparent from the following returns of the Bank circulation within the period he had mentioned. In 1820 the Bank paper circulation was 23,875,000*l.*; in 1821, 21,759,000*l.*; and in 1822, 18,000,000*l.*, when the pressure was less than in the two preceding years, notwithstanding the reduction of the circulating medium. No doubt the paper withdrawn by the Bank was in some degree supplied by the gold, for which it had been exchanged; but after that substitution he would ask whether credit fell, and whether every man was looking at his neighbour and asking, what was his condition, and how long could he bear up against the depression? On the contrary, every thing went on smoothly; a clear proof, in his mind, that the formidable danger apprehended by some, from the substitution of gold for the 1*l.* and 2*l.* notes, was much exaggerated, and that by far too much importance was attached to the operation of that process. Still it might be said, that however practicable it might be to convert this paper into specie, it was an operation of such magnitude as could not be carried into effect without an increased pressure upon existing means. Now, to a certain degree, he was ready to admit that these apprehensions were not unfounded. Some interests must always be sacrificed; but in calculating the condition to sub-

stitute the necessary quantity of gold for the country bank paper to be withdrawn, they must consider that the present case was not like that of 1819, in which the basis of the metallic circulation had to be laid. There would certainly be less difficulty in enlarging a currency already half metallic, than was experienced in introducing the metals when nothing but paper was afloat. The gold coined at the Mint, up to the present time, amounted, as he had mentioned, to 25,236,000*l.* There had been exported, since 1819, 7,269,000*l.* of gold, although how much consisted of coin it was difficult to say, as no account of that nature was kept at the customs. However, within the last half year, the foreign exchanges becoming favourable, a large proportion of the exported gold had returned—not in ingots, but in gold coin, to the amount of 1,000,000*l.* sterling; so that the total loss upon the export of gold, might be taken at 6,000,000*l.* Hence 19,000,000*l.* remained for the uses of the country. But it was possible that some coin, of which no accurate returns could be made, had gone abroad in the pockets of individuals, and also in the payments of those who prosecuted the trade of smuggling, in which almost all the transactions were carried on in specie—a sum which, if estimated at 2,000,000*l.* would still leave no less than 17,000,000*l.* of gold available for the country at this moment. The exchanges were now so favourable as to prevent any of this stock from going out, and it was in point of fact profitable to import the metals. Taking this general estimate, they had a pretty large basis to build on; and if they turned to the state of the paper currency, they would see with tolerable accuracy the nature of what they would be required to perform. There was some difficulty in ascertaining, with any positive accuracy, the amount of country bank paper in circulation, but they could approximate to an estimate on which they could safely act. He spoke not of the aggregate paper circulation, but merely of the smaller notes. The number of these notes which were stamped from 1820 to 1825 inclusive, and this while the bank of England was withdrawing its small paper currency, was in 1821, 1,683,524*l.*; 1822, 2,214,623*l.*; 1823, 1,868,939*l.*; 1824, 1,969,739*l.*; 1825, 2,501,849*l.*; and up to the 5th of January, 1826, 3,172,477*l.* He believed that if they estimated the amount of the country bank paper by tripling the amount of one year, it would not be under-rated. The average of three years, taking 2,000,000*l.* annually as the principle of the calculation, would make 6,000,000*l.* of this kind of circulating medium. But although that amount was probably in circulation in 1825, there could be no doubt that the amount had been recently much reduced, particularly from the events which had occurred during the latter half of the year, beginning, indeed, so early as last July, when, owing to the interposition of some difficulty by a Bristol banker, in the payment of a one pound note in specie, a considerable sensation of uneasiness on one side was created, and of caution on the other—he meant that prudential caution on the part of solid and solvent bankers, who foresaw that, in such a state of things, it was desirable to control their issues, and who evinced an unwillingness to go beyond the amount which a provident view of their affairs would warrant, and who, in fact, made silent and cautious arrangements for the gradual withdrawal of the small notes which they had issued. When great apprehension be-

came afterwards more general, though not in contemplation of any intention of the Government to alter the law, but because these notes were found to have been issued by country bankers to a greater amount than they ought to have been, the consequence was a re-action, before which some bankers failed, and the convulsion of public credit in its turn affected the confidence of the solid and solvent bankers. These latter bankers, therefore, immediately controlled their issues as well as they could. Referring to what had taken place in the committee of 1819, they should remember also, that the solvent bankers were in the habit of cautiously guarding their issues of 11. and 21. notes; for it appeared that they were in the habit of keeping a great number of the newly stamped ones by them, and not putting them into circulation till the old ones were called in, for which the new ones were substituted. Supposing, then, that in 1815, 6,000,000l. was the total amount of these notes in circulation, the number now must be greatly less, and could not possibly be estimated at more than 4,000,000l. In this view, the utmost necessity which could result from his proposition, in the course of the next three years (the time to which he meant to restrict the circulation of the 11. and 21. notes), would be to supply the vacuum with four millions of gold. Now, if he were right in supposing—what nobody, he thought, could question—that in 1824 and 1825 a greater abundance of this paper was in circulation than was consistent with the stability of the currency, it followed that the years 1822 and 1823 were much safer times, the quantity not then being at so high a rate. He conceived, therefore, that all the notions which prevailed of the difficulties and obstacles that must, it was said, attend the filling up of this paper vacuum, would be found visionary and groundless in the end (loud cheers). Were they to startle at the mere sound of difficulties? Were they so pusillanimous, because their path might have difficulties which must be surmounted, as to refrain from treading it, and with such feelings to leave things as they were, blinking the whole danger, for fear of measuring those apprehensions which wavering minds might suggest? He implored them to brave this imaginary danger; and if they must, as they ought, take sound principles for their rules of action, to take them in a time of peace, when sound principles were, if they were worth a farthing, proper to be acted upon; and not hope to postpone their trial till less favourable moments, when dangers might thicken upon them, and when the chance of success was less practically attainable (cheers). Something had been said with respect to other causes which had contributed to the excess of paper circulation in 1824 and 1825, to the circumstances which had carried off a portion of the gold previously imported, and to other matters, the tendency of which was said to aggravate the pressure of the times. It was farther said that the panic was not (as he thought) at an end, and that the country would still have to bear up against greater difficulties. He would not deny the existence and the prevalence, if they would have it so, of those difficulties, though he could not think them of a permanent nature. Other causes had been alluded to, besides the excess of paper currency, arising out of various measures adopted by the Bank of England, some of them adopted on account of the bank itself, and for which they were alone responsible, and

others with the direct concurrence and in furtherance of the objects of Government. In looking at the bank circulation, as it appeared from papers which had been just laid on the table, the average amount of Bank of England notes in circulation in 1823 was 19,137,000l., whilst the country banks, in the same year, maintained much the same circulation as they had done in the preceding one. In 1824, the bank of England circulation was 20,616,000l.; which shewed an increase of about a million and a half on the issue of 1823. But in 1825, it again fell to 19,751,000l. The increase which was apparent in 1824, was partly charged as creating many of the difficulties which belonged to an over issue of paper, and as turning the exchanges against this country; for the Bank and the country circulation were assumed as having a concurrent operation. Now, it by no means followed that the Bank issue had the effect on the foreign exchanges which was attributed to it, for that year; because it would be found, on a reference to facts, that there was an impossibility of assuming any direct relationship between the amount of Bank of England notes in circulation, and those of the country banks; since, singularly enough for such calculations, it frequently happened that when the former were great, the latter bore no relative proportion, and *vice versa*. But it was supposed, that assuming this increase to have contributed to the difficulties, it would follow that part of the blame was attributable to ministers, owing to the arrangements which had taken place between the Bank and the Government. So far as regarded the arrangement for the advance on the half-pay and pension list, and the payment of the 4 per cent. dissentients, it might or it might not be true that those arrangements had led to an increase of the Bank issues: but he thought that the argument would lose all its weight when it was recollected that the Bank had, at the same time, proceeded on the new principle of advancing money upon mortgage, to the amount of more than a million. The arrangement alluded to between the Bank and the Government could not, upon a fair comparison of all the circumstances, have raised the amount of Bank issues more than 200,000l. or 300,000l., comparing the years 1824 and 1825, and including the effect of the mortgage advance. So that the arrangement could not in itself have caused that extensive issue of paper. In making these remarks, he begged not to be understood as wishing to screen the Government by throwing any blame on the Bank, or by skulking under any miserable shifting of responsibility from one side to the other; for if the Government had done wrong, it ought to abide the consequences (hear, hear). Let the thing be examined; and if its principles were found erroneous, let them profit by the example, and hereafter abandon the precedent. If he could but flatter himself that the Government had acted rightly, then he could have no motive for wishing to retrace his steps. If, on the contrary, his course had been erroneous, let them do what they pleased in animadverting upon it, and let them make him the object of their censure. This was, after all, so insignificant a subject of inquiry as, compared with the great object to which they ought at present to apply themselves, that he would not weary the house by going into irrelevant details.—He had gone into a greater length of discussion upon principles than he had at first intended, but he



had been led into it from an understanding that it was upon these principles the more serious ground in disputation would be taken. He would now proceed to detail the plans by which Government proposed to effect the withdrawing the small notes from circulation, and establishing a safer basis for the currency. There were two modes by which this alteration could be effected: the one, by declaring at once that no small notes should be circulated after a given period; the other, by permitting those already in circulation to run their course, and allowing no new ones to be issued, at the same time assigning a period for their positive cessation. The first mode appeared undoubtedly liable to this great objection—that at the end of three years (taking that as the time of cession), the country would be left in an extremely inconvenient state, for the execution of the plan itself; for if, during these three years, the country banks could accumulate their stamps at will, then there would be the same difficulty in carrying into effect the main object as was now interposed, and could again be urged against it *ad infinitum*. The most proper, the most effective, and at the same time not inconveniently expeditious mode, would be to adopt the latter plan—that no new small notes should be issued from the opening of the present session of Parliament, and that none of those already in circulation should be allowed to remain current after the end of three years from that time. He meant to conclude by moving a resolution to that effect. As to the particular details of this plan, he did not know that at present he had any thing further to state.—He had been asked the other night, what measure he intended to propose with respect to Scotland, as to the extension of the banking system; and he was asked a similar question as to Ireland. In Scotland, until 1765, there existed no prohibition as to notes under 5*l.*, but in that year an act passed prohibiting the issue of notes under 20 shillings. This continued in force till 1785, when it was unconditionally repealed. In Ireland, there was no legal restriction; although in some parts of the north, the small notes, being refused as payments for rent, could not be pushed into general circulation, and gold, therefore, was in common use; but in the other parts of that country, the circulating medium was paper. In 1799, the Irish parliament adopted a principle the very opposite to that which was followed by this country after the restriction of cash payments; for an act was passed there, prohibiting the issue of small notes, while they were allowed with us; one effect of which was to keep gold in circulation there for a longer period than it remained with us; but in 1804 an act was passed, assimilating the laws on the subject of paper issues in both countries, and they had since continued the same. It should be observed, that the whole system of banking in Scotland was quite different from that in England. In the first place, there was no restriction as to the number of partners. There were three chartered banking companies in that country, but none of them had any exclusive privilege: they consisted of numerous partners, each of whom was only liable to the amount of his shares, but they possessed no exclusive privilege. In Ireland, an alteration took place in the law respecting banks in 1822, so far as related to that part of the privileges of the Bank of Ireland which prevented the es-

tablishment of other banks with more than six partners, and banks of that description were allowed to be established, but at distances not less than 50 miles from Dublin. Now, supposing that an issue of small notes was not to be allowed as a permanent system in England, he could not see why Scotland and Ireland should not be put on the same footing (hear, hear); and though it might not be advisable to make such an alteration at present, yet, as a prospective regulation intended to be permanent, he did not see why a difference should be allowed to remain between one part of the United Kingdom and the other (hear, hear)—giving, however, a sufficient time for effecting the change in the system. At present, the circulation of Scotland was exclusively paper; in Ireland it was almost entirely so; and in neither had it a metallic currency for its basis: it would therefore be evident, that the plan now before the house could not be applied to either of those countries at the present period. It was not his intention on this occasion to submit any specific resolution on this part of the subject; he would, however, take an early occasion of calling the attention of the house to it, and stating his reasons in detail.—He was not aware that he had any thing else to offer on the general question, except a word as to what fell the other evening from an hon. member (Mr. Gordon), who had said that he could not consent to a restriction of the issues of 1*l.* notes, because it would have an injurious effect on the landed interest; and he had called upon the country gentlemen to come forward in their own defence to defeat the plan. Now, he (the Chancellor of the Exchequer) would contend, that if there were any class of persons in the country more interested than another in preventing the circulation of small notes, it was the country gentlemen. He would ask any man who had lately had an opportunity of witnessing the scenes that took place in some of our small towns, where crowds were seen daily running to the country banks to exchange their 1*l.* and 2*l.* notes for gold or Bank of England notes,—he would ask any such man of property, what security could he have for the payment of his rents? what security he had, that his own tenants were not to a considerable extent the holders of such notes? what security he had, that they might not suffer; or what security, that he could get any rent at all? This was one of the evils of the small note system—that an alarm among the holders of 1*l.* notes (and they were, for the greater part, of that class who were most likely to be affected with sudden panic, without ever considering whether it was well or ill founded) was calculated to excite fears respecting the security of larger notes, and thus it frequently happened, that a sudden run was made on banks for the payment of their larger notes in gold, or Bank paper, the security for which was otherwise as firm as that of the Bank of England. From such causes as this, many most respectable houses were obliged to suspend their payments, with more than assets (though not at the moment available) to meet all demands on them. It was, he thought, and he said it with great respect for those who held the contrary opinion, almost absurd to think that the interests of the country gentlemen would be upheld by an unrestricted issue of small notes, or that the restriction of such issues in the way he had proposed it, would be attended with effects injurious to

those interests. The country gentlemen were, he thought, bound to support the present proposition, and would be running blind to their true interests to oppose a measure calculated to benefit themselves and all other classes of the community.—He would now beg to call the attention to the committee to the second part of this subject,—he meant the propriety of limiting the privileges of the Bank of England so far as to allow the establishment of private banks with more than six partners. He confessed when this measure was first suggested as one which would considerably tend to the relief of the country, he did not expect any serious objection to it, as he did not see how the concession could act injuriously to the interests of the Bank. When the Bank of Ireland was requested, in 1822, to concede a part of its privileges, for the attainment of an object similar to that now proposed, it did not seem to be considered by that body that the concession would be injurious. On the contrary, it was rather looked upon as a source of greater security to all parties. This was the general impression in that country; and indeed so greatly did that feeling extend among the members connected with Ireland, that when in the last year a bill was introduced for the purpose of giving greater efficacy to the former measure, it had been his endeavour to prevent gentlemen from carrying the principle farther than was intended by the act of 1822. He was afraid, lest, seeing the advantage that had already arisen from the plan, speculation might be carried on by it, so far as to curtail the privileges of the Bank of Ireland more than had been contemplated when the privilege was first conceded. It was clear from what he had stated, that the concession on the part of the Bank had been productive of considerable advantage; and he confessed he did not see why the same principle should not be extended to this country. In Scotland the principle had been long in operation, and the effect there was, that bank failures were unknown. It might be said that this plan would not prevent speculation to any great extent, or be an effectual check to over-issues. He did not say it would, but he contended that the issues would be rendered more secure by a species of banking conformable to that of Scotland. He knew it was objected, that the mere permission to increase the number of partners beyond six would not necessarily cause more than that number to associate in one concern; for that though six partners were allowed at present, yet in the great majority of banks the number did not exceed three or four. He knew there was no magic in the number six. Six partners might be too many for some purposes, as they would be too few for others. All he contended for was, that there should be an opportunity, by an extension of partners in cases where it was required, to give that security, the benefits of which had been so much felt in Scotland. The extension of the privilege, as to the number of partners in private banks, had been productive of great benefit in Ireland. Since the passing of the act in 1822, the greater part of the banking business of that country had been carried on by banks of that description. In one bank the number of partners was 60 or 70; in the Provincial Bank the number was even larger; and it was admitted that the business was conducted in a prudent manner, which gave confidence to those who had trusted their deposits with them, and to those who had

availed themselves of their notes.—He would now observe, that although he would move a resolution declaring the utility of such establishments in England, it was not his intention to propose a bill on the subject to that house. It was the intention of Government that a bill for that purpose should originate in the other house. Of course it would be for that house to reject or adopt it when it came down; but it was considered a matter of public convenience that it should originate as he had stated. He had been asked, whether, if the measure should be adopted by the house, ministers had fixed any time when it might be carried into execution—whether any period would be fixed before which it would not be competent for any of the new partnerships to commence their issues of notes—and it was thrown out that sufficient time should be given for the purpose of allowing the present bankers to connect themselves together in new partnerships, or adopt other plans for their future regulation. He would now say, that he did not see any inconvenience which would arise to existing interests from the immediate establishment of the proposed banks. He could not see what any respectable bank of good credit and conducting its business on a solid basis could have to fear from such immediate permission, and he should therefore be reluctant to postpone it to any distant day. It would, however, be obvious, that some considerable time must elapse, in the nature of things, before the plan could be put in practice. He, therefore, had no objection to fix the 5th of next July as the period before which it should not be competent to any of the new companies to issue their notes.—Having given this detail of his plan, he must say, that if the house should refuse to entertain it, it would be giving countenance to a serious evil, by leaving the country at all times exposed to those fluctuations in credit and confidence, the effects of which had on a recent occasion been productive of so much distress—to an evil which must become greater every day that its remedy was delayed—to an evil which, unless parliament interfered, would give encouragement to speculations of the most dangerous kind. The system to which he now proposed a remedy had already fostered many such speculations, and though a great portion of the recent undertakings had arisen from causes over which parliament had no control, yet they were greatly aggravated by the imprudent issues of notes from many private banks. Whatever might be the result of the present motion, he should feel satisfied that he had done his duty in proposing it. Should the house reject the measure, he should not envy any man who might have to fill the situation which he had then the honour to hold, the responsibility that must attach to him in endeavouring to struggle against difficulties which must daily increase on him from the present system in proportion as some efficient remedy was delayed. The only remedy which in his view of the case would meet the evil he had now explained to the house. It would be their duty not to blink the question—not to imagine, that by deferring any remedy the evil would pass away of itself. By coming boldly to the discussion of the remedy, it would be seen that the difficulties of the plan which he had suggested had been considerably overrated, and that the fears of the country bankers had been carried to an extravagant length. When he mentioned the country bankers, let him not



be misunderstood. He condemned the law under which they acted, but he did not condemn them. It was to the system, and not to the men, that he alluded; and it was the system which he wished to alter. As to the individuals connected with the present private banks, he believed firmly that they were justly entitled to the highest praise for honour and integrity—for stability—and for general fitness for business (hear, hear). He would now propose his first resolution:—“That all promissory notes, payable to bearer on demand, issued by licensed bankers in England, or by the Bank of England, for any sum less than 5*l.*, bearing a date previous to the 5th day of Feb. 1826, or which may have been stamped previously to that day, shall and may continue to be issued, re-issued, and circulated, until the 5th day of April, 1829, and no longer\*.”

The resolution having been read from the chair,

Mr. Baring said, that the resolution before the committee did nothing at all. It went only to say, that all the small notes actually in circulation should continue to circulate till 1829, and no longer; but it made no provision for any new notes which might be issued in the interim. This, he thought, was a point which the rt. hon. gent. ought not to have omitted. The rt. hon. gent. had deprecated any observations as to the time when this matter was introduced by government. He (Mr. Baring) thought that ministers, seeing the distress which lately prevailed in the country, instead of excusing themselves for the introduction of this measure now, were rather to be blamed for not having called parliament together sooner for the purpose of devising a remedy. The rt. hon. gent. seemed to expect some hostility to his measures from that (the opposition) side of the house.

The Chancellor of the Exchequer explained, that he did not allude to any party hostility, but to such opposition as he had been led to expect from the remarks of one or two hon. members on a former evening.

Mr. Baring continued:—If there were any one thing on which the country might congratulate itself in the present period of difficulty, it was that of the absence of all party-feeling from discussions of public affairs (hear, hear). The present feeling was very different from that which had existed on former occasions—on the treaty with France, the Irish question, and other subjects where a strong opposition was made from his side of the house to the measures of Government: at no period of modern

times was there less of party feeling evinced in the discussion of matters proposed by ministers, and he was certain that if the rt. hon. gent. was not at present convinced of that fact, he would be fully so before the conclusion of the session (hear, hear). There might be some gentlemen in the house who were disposed to legislate for the present difficulties on the pure principles of political economy; some whose remedies would have reference to the protection of the agricultural interests; some who would look chiefly to the commercial interests, and others to the banking interests; but he did not believe that there were any who would offer a remedy for the evils under which the country suffered, with a view to party purposes (hear, hear). The country was too enlightened to allow its distresses to be made a handle for party purposes. At the same time it must be admitted, that if any party were disposed to make a stand as a party against ministers, they never had a better opportunity than the present. What man could read the paper which had lately appeared, addressed by the rt. hon. gent. and his noble colleague (Lord Liverpool) to the Bank of England, without being convinced that if it were wished to oppose them as a party, there was a most important ground on which to found an opposition? That paper, he would venture to say, betrayed an ignorance of the real situation of the country, which could not be expected from any man who had paid common attention to the passing events of the last few months. Was it not astonishing that any set of men, who had their eyes open to what was passing around them, much more those men who had the advantage for two or three months past of almost daily interviews with the Bank Directors, should send forth a paper in which they said “now that the distress has subsided, it is fit that some remedy should be applied to prevent a recurrence of the evil?” Why, did any man in the country, except the rt. hon. gent. and his colleagues, believe that the distress had subsided? He was sure that no man who really knew what was passing in the country could subscribe to such an opinion; and he was equally certain that any remedy against the recurrence of the distress, founded upon the assumption that it had for the present passed away, would be altogether inoperative. The speech of the rt. hon. gent., and the remedy which he had proposed to the house, did absolutely nothing. The proposed remedy was mere milk and water, and would tend rather to aggravate than relieve the distress; and if ministers were to appeal to any body of commercial men—to men who really knew the state of the country—they would be told that the authors of such a paper as he had alluded to, were altogether unfit to propose a remedy for the evils which really existed. He said this without meaning the slightest disrespect to the rt. hon. gent., for whom he had the greatest esteem; and he could assure him that he had no wish to see any other occupy his place; but he must tell him that in his speech and his resolution he had not touched the evil. He had scarcely gone more than skin-deep. It was a very different thing to suggest what might be sufficient to allay a temporary disorder, from that of providing a permanent system under which the country should hereafter be placed, with a view of preventing the recurrence of that disorder. The permanent state in which it might be desirable to place our banking system

\* The two other resolutions were,

2. “That it is expedient to make provision by law for preventing the issuing, re-issuing, or circulation, in England, of promissory notes, or undertakings in writing, payable to the bearer on demand, by licensed bankers or banking companies, for any sum less than 5*l.*, other than such as may have been issued, dated, or stamped, previously to the 5th day of Feb. 1826.

3. “That the provisions of any act or acts of parliament now in force relating to the charter for the Bank of England, whereby the number of partners of which any bank or banking companies may consist is limited to six, be altered and amended, so far as they may affect the establishment of any such banks or banking companies situated at a distance not less than sixty-five miles from London.”



was very different from that which the exigency of the present crisis might demand. It was for not making this difference that he blamed the *rt. hon. gent.* There were in all cases to be found men so wedded to theory, that when a particular emergency arose, they immediately resorted to their book, and to the set of rules there laid down, without ever considering that it would be necessary to adapt the remedy to the actual situation of things, and not to what might be their future condition. Such men cared not what interest they rode over, provided they arrived at a given principle. He was not indifferent to the general principles to which the *rt. hon. gent.* had that evening adverted, or to the end he proposed to attain, but he thought that to attain that end general principles alone would not be sufficient. Those principles must, if possible, be fitted to present circumstances. A man must go round to his object according to the obstacles which were interposed, and not attempt to get at it as the crow flew. This was an error which had defeated many well-intended and really good projects, because they were not adapted to the circumstances under which they were to be called into operation. He remembered another instance of attachment to theory in that house. When the report of the bullion committee was discussed, a large party in the house were so convinced of the abstract expediency of resorting to cash payments, that because the house had resolved that it would be desirable to resort to such payments, they moved as an amendment that it would be desirable to pay in gold in the succeeding January, and he believed of this number were the Secretary for Foreign Affairs and the President of the Board of Trade.

Mr. Canning observed, that the *hon. member* was mistaken in applying the remark to him.

Mr. Baring continued:—What he wished to impress on the house was, that in endeavouring to accomplish the end in view, they must keep in mind the difficulties which opposed themselves; and the first step necessary to be taken was, to ascertain the nature and causes of those difficulties. As to the latter, he agreed generally with the *rt. hon. gent.*, except that he had rather studiously kept out of view the share which the Government had had in their production. If he were asked his opinion on the subject, he would say, that the Bank of England (and when he spoke of the Bank, he begged to repeat what the *rt. hon. gent.* had said of the country banks—that it was not the individuals, but the system, of which he complained; for the individuals who composed the directory of that establishment, he had personally the highest respect, from his recollection of the time when he was associated with them, and from his intimate acquaintance with their private worth) had, in some degree, contributed to the present difficulties. The course which the Bank had pursued, however laudable in intention, was, in his mind, most erroneous in principle. Gentlemen would bear in mind the great facility which existed at the end of the war of obtaining a metallic currency. There was at that period a facility of obtaining gold and of returning to a metallic currency, which had not existed to the same extent since; but it did not follow, that because there was a facility of procuring gold, it would therefore come into the country. Gold and silver would not come unless we had something to give for them,

and unless that something was in demand with those countries where it was in plenty. It had been a favourite theory with some to say, that by contracting its issues the Bank would cause gold to come into the country; but that alone would not be sufficient, for unless we sent commodities for it, we could not procure it, and they who acted upon the mere principle of a contraction of the Bank issues, as a means of bringing in gold, would find those issues might be very inconveniently contracted, without producing that effect. However, to return: gold was in great plenty on the continent at the end of the war, and might have been very easily obtained in this country, because at that time there was a demand for our manufactures, which, he was sorry to say, did not exist at the present day. Almost every country was now rising in opposition to us in some branch of manufacture. It was particularly the case with America; and day after day we were excluded from a market in some one article or another of our former trade. If asked why the House of Commons had not taken some step at the end of the war to restore the currency, he would answer, that the blame, if any, was attributable to ministers, for not having submitted such a proposition. No doubt they would have then met with a strong opposition from the country banks; but had they taken a bold, decisive step, it was certain they would have succeeded. From the facilities he had mentioned of procuring gold, the Bank of England, in 1823 and 1824, had accumulated a large store of gold and silver in their coffers. They had increased their dividends from 8 to 10 per cent. (though they had since reduced them to eight), and had divided a large bonus. Such, however, was the secrecy observed towards the public with respect to the real grounds of many of the proceedings of that body, that any observations upon them by persons out of doors must, for the greater part, rest on conjecture. They had, nevertheless, as he observed, at the beginning of 1823 and 1824, an immense accumulation of gold. They thereupon made large issues of paper, and at the same time the country banks issued in an extent nearly in proportion, for though it would not appear at first, the issues of the latter were considerably affected by the former. One consequence of this excess of circulating medium was, a fall in the rate of interest. Mortgages fell from 5 to 4 and  $3\frac{1}{2}$  per cent.: and such was the anxiety of most capitalists in the country to get any interest, that they placed their capital out of their reach, and took for it securities, which though valuable, were not at all available on emergencies. The Bank saw and felt what was going on—for in cases of over-issues on their part, they were certain to receive a check by the reaction in other quarters, which check they well understood. They therefore all at once gave a sudden jerk to the horse on whose neck they had before suffered the reins to hang loose. They suddenly contracted their issues; and the change was at once felt through the country. A few days before, no one knew what to do with his money; now no one knew where to get it. He did not mean to say that the Bank had acted with a want of good faith to the public. They no doubt felt justified in the course they adopted; but the effect was not the less felt by the public. The London bankers found it necessary to follow the same course towards their country



correspondents, and these, again, to their customers, and each individual to his debtor. The banks in town and country, by advancing money on mortgages and other inconvertible securities, had put it out of their reach; and now they all sought to supply its place by every means in their power. The consequence was obvious in the late panic. Every one desirous to obtain what was due to him, ran to his banker, or to any other on whom he had a claim; and even those who had no immediate use for their money took it back, and let it lie unemployed in their pockets, thinking it unsafe in others' hands. The effect of this alarm was, that houses which were weak were at once ruined. Then came second-rate houses, and lastly houses which were really solvent, although their securities were unavailable at the moment. All confidence was lost; and in this country commercial confidence was carried to an extent never exceeded in any nation. Such a state of panic and alarm had hardly ever before existed amongst us. It might perhaps be said, that those who had been such fools should be left to go to the dunghill, and that others better would supply their places. But the fact was, that many who were really substantial suffered in the general alarm. Men were known to seek for assistance, and that, too, without effect, who on the examination of their affairs, were proved to be worth 200,000*l.*—men, who held themselves so secure, that if asked six months before, they would have said that it was just as likely that the sky should fall, as that they should be involved in difficulties.—He wished to keep the two questions distinct:—first, the general system on which it would be expedient to act: secondly, the course to be pursued in order to rescue the country from its present difficulties. With respect to the small notes, he admitted that as a permanent system they ought to be called in. They had objected to the small notes of the Bank of England on account of the numbers which their forgery had led to the gallows. They ought now to object to the small notes of the provincial banks, on account of the numbers whom they consigned to the poor-house and to all the miseries of a living death. It was therefore in his opinion, a great pity that the house had not got rid of this deluge of paper at the time when it had the power to do so, and that it had not resisted, as it ought to have resisted, the importunity of the country bankers. As soon, therefore, as they could get rid of the present system with perfect safety, he agreed that they ought to do so; but at present they ought to recollect that the house was on fire, and that the persons who were trembling for their lives in the garrets ought to be got out of it as soon as possible. When the fire was extinguished and their safety provided for, then, and not till then, might the house set about legislating upon general principles. He could not help giving it as his opinion, that of late the Bank had lost sight, in a great degree, of that to which it ought to be instantly recalled—namely, a true sense of the system on which its affairs ought to be conducted to entitle it to a charter of any kind whatever, and without which it ought not to be permitted to enjoy any privileges of an exclusive character. The main cause of the difficult situation in which the Bank was now placed, was, that it had choked up its resources too much, in consequence of its connexion with Government. In the first

place, the Bank had to provide for what was termed the "dead weight," which he believed now required 8,000,000*l.* Now, if there was ever any plan founded upon an absurd principle, it was this plan of the dead weight. As some gentlemen might be imperfectly acquainted with it, he would observe, that it was a plan by which certain long annuities for 45 years were created for the purpose of showing we had a sinking-fund of 5,000,000*l.*, when no thinking man, who had his eyes about him, could see a sinking-fund to any thing like that amount. In addition to this, the Bank held Exchequer-bills to the amount of 7,000,000*l.* He would not pretend to assert it as fact, but he must say he was rather apprehensive that the Bank had bought Exchequer-bills in the market for the purpose of putting its money out to the best advantage, and that they had found it impossible to recall that money in due time when it was wanted. Besides the 8,000,000*l.* locked up in the dead weight—and the ingenuity of man could not have devised a better name for this absurd plan—and the 7,000,000*l.* in Exchequer-bills, the Bank was bound to advance 7,000,000*l.* more for the Government on what were technically called deficiencies—a measure, which he believed, was one of Lord Bexley's sapient contrivances. The Bank had now 7,000,000*l.* to advance for these deficiencies.

The *Chancellor of the Exchequer*:—Not so much; five millions and a half.

Mr. *Baring*:—He would take the sum to be that which the right hon. gent. had stated. It was advanced by the Bank to enable Government to pay the dividends. The practice was for the Bank to advance the sum necessary to pay the dividends before the Government received it; and then to have it repaid shortly afterwards when the Government had received it. Now the misfortune of this system was, that the advances were again called for in so short a period after they had been repaid, that no advantage was reaped by the Bank from the employment of the money in the interim. The reimbursement was so quick, that the Bank had no time to lay it out in, and what was worse, it was liable to all the inconvenience of having a large quantity of its paper in circulation. Besides these three items, the Bank had undertaken to pay off 2,000,000*l.* on 4 per cents, so that altogether, what with the dead weight, what with the Exchequer bills, what with the deficiencies, and what with the 4 per cents, it had 22½ millions locked up by the demands of Government. Further than this the Bank had lent 1½ million to the country gentlemen on the mortgage of their land, a measure which he held upon principle to be most improper and impolitic. The sum, it was true, was not large, but it aggravated the case against the Bank, as it added to the amount of its inconvertible capital. He had now shown, that of the capital of the Bank 24 millions were rendered utterly inapplicable to its general purposes as a commercial establishment. The Bank was less able to meet any casual demand that might be made upon it, in consequence of its holding, what it was in the essence of all banking establishments to avoid, a large number of inconvertible securities. The principle on which all banking establishments should be conducted, was to employ as much of their capital as they possibly could,

but always to employ it upon available securities.—It was the custom upon all questions—and it was very expedient upon this question—to consider what had occurred in former times. It would appear upon such a consideration, that at all periods of difficulties the embarrassments of the Bank were mainly attributable to Government. The year 1783 was a period of great commercial embarrassment. The Bank was all but stopping payment, in consequence of its dealing with Government; and yet all that the Government then owed was only seven millions. In 1797, another period of distress, the Bank attributed to its transactions with the Government the necessity under which it laboured of applying for a suspension of cash payments. However that statement might once have been disputed, he believed there was nobody who would now deny it. The Government undoubtedly caused that suspension—it had been anticipated for some time previously to its occurrence; but the *coup-de-grace* was given to it by that Austrian loan which they had recently seen brought to so pitiful a termination. He did not mean to say that with such a war as that in which the country was engaged in 1797, the country could have avoided coming, sooner or later, either to that suspension of cash payments or to a peace; no such thing;—what he meant to say was, that that result was hastened by the manner in which the Government had locked up all the available resources of the Bank. And yet, with all this experience before it, the Government still persisted in its former objectionable measures, though in 1783 and 1797, when the Bank was obliged to play the pranks it had done, it had not been mixed up with it to any thing like the sum of twenty-four millions. One of the first measures which he thought that the Government ought to adopt to make the Bank efficient to the public, was to set it at ease in this respect, and to give it elbow-room, if he might use such an expression, for its future operations. He considered that such a measure would be advisable as a permanent measure, but he was well aware that it could not give immediate relief to the evils which at present sat heavy on the country. He had heard it suggested in some quarters, that the issuing of a quantity of Exchequer-bills would be of great effect in mitigating the existing distress; but it was his opinion, that such a measure would inflict more unsparing ruin on the community than any which had yet been inflicted upon it. Sure he was, that the funding of those bills would aggravate the present evil, and spread alarm and confusion in every direction. The Bank, as it was managed at present, was the heart of the circulation of the country, and it was evident that if that circulation was not perfect, a derangement must ensue in all its subordinate functions. The derangement which existed at present in all the relations of commerce, had arisen from the unsteady conduct of the Bank acting suddenly upon the country bankers, and had been much assisted in its operations by the wild mania of speculation which had spread over the country like a whirlwind, of which nobody knew whence it came or whither it was going. For he would say, that unsatisfactory as the state of the circulation was, it never could have given rise to such evils as now pressed upon the country, had it not been attended with such an unprecedented excess of speculation. But independently of the danger

to which the Bank was necessarily exposed by the choking up of its resources, there was a political evil arising out of it which it was the grossest folly on the part of Government to tolerate at all. In a time of peace the object of a wise Government was to have its monied institutions, like the ships of war at Portsmouth, ready for a start on a moment's notice. Now, from a bank which had 24,000,000*l.* of its capital choked up in the support of silly conceits and idle devices, the Government had taken away the means of a start, if such a start became necessary. In such a contingency the Government would find, to its detriment and disgrace, that it had not only choked up the resources, but had even paralyzed the powers of the Bank. If they supposed, that because they had got a return of all the ships of the line at Portsmouth being in a sea-worthy condition, they were therefore in a situation to go suddenly to war, they would find, when it was too late, that they were mistaken, and that the state to which their impolitic measures had reduced the Bank had deprived them of the means of carrying it on. The power of this country was well known to be in its treasury; it was far beyond any thing to which its military force intitled it to aspire; it rested not upon its bayonets, but upon its money. The last contest in which it was engaged was decided entirely by its money. Forty or fifty thousand men were the largest army of Englishmen which were ever upon the continent, under the command of that great and illustrious captain, who had delivered Europe from the thralldom of Napoleon. The rest of our military force consisted of the natives of other countries, and principally of Germans. The powers of Austria, and Russia, and Prussia, were all successively put in motion by our money. The great arm of our country, its power, its influence, and its consideration, was in its treasury. Those, therefore, who had left the country in such a state that it would be impossible for it to avail itself suddenly of that arm of its strength, had acted as absurdly as it was possible for any set of men to act who arrogated to themselves the name and character of statesmen. First of all, then, they ought to relieve the Bank from its present difficulties, and when that was done, they should make it understand that it ought always to be ready with four, five, six, or even eight millions, for the service of the Government. It was his opinion that if the First Lord of the Treasury had recently sent to the Bank, and after informing the Directors that Treasury-bills were at a considerable discount, had desired them to buy up from four to eight millions of Exchequer bills, it would not have been in the power of the Bank to have acceded to his request. He believed that if the Bank had been unincumbered with the Government, it would have been relieved from the difficulty, or, as some called it, the liberality of making the issues it lately had done. If it had possessed more elbow-room to turn itself about in, it would have come forward with alacrity to assist the public, and thus the whole difficulties which had recently occurred would have been obviated. Three-fourths of those difficulties arose entirely from panic; a fourth of them might, perhaps, have arisen from actual distress. Like people in a theatre, who sometimes crushed one another to death, in the alarm occasioned by imaginary and not by real dangers, the several members of the community had hurried one another into



distress and bankruptcy, by the violent efforts they had individually made to avoid them. The Bank, however, it ought to be recollected, was the banker of the Government. In private life, any individual who wanted a temporary pecuniary aid, applied to his banker for it, and in general obtained it. The Government, like a private individual, might often be in want of similar assistance, and should always be able to procure it without leaving the Bank an opportunity of saying, "We cannot give it you without choking up our resources and becoming less independent of you than we ought to be;" especially in a time of peace, with stocks at 94 and 95. His own private opinion was, that the Bank, if it were relieved from its difficulties, would be fully able to discharge all the functions for which it was intended, and would soon relieve the country from the panic which now prevailed as to its sufficiency to maintain the currency. If the Bank were conducted upon proper principles—if it would not drive such hard bargains, and would be content with less profits than it sought to obtain at present—if it would be satisfied with a profit of 5 instead of 8 per cent.—and if, when its charter expired, it would adopt some prudent and liberal measure to limit the emoluments upon its capital, he was convinced that the system would stand upon a better footing than it did now, and that some preventive would be found against the recurrence of such evils as had lately befallen the country. He was well aware that ever since the resumption of cash payments doubts had existed in the minds of very respectable persons, as to whether there was a capacity in the country to maintain those payments. He was well aware that many persons apprehended that the pressure of our national debt, of our taxation, and of various other circumstances, would render the continuance of such a system impossible; but for his own part he had never participated, neither did he participate now, in those apprehensions. He thought that if the Bank were properly administered, it would be capable of giving full and permanent effect to such a system; but at the same time he must in candour confess, that he should like to see the Bank rendered more perfect than it now was. If any bank could be formed upon such principles as would give greater security to the Bank of England, not only in respect of securing the commercial interests of the country, which had recently been in considerable jeopardy, but also in respect of advancing its political interests abroad, he for one should be very glad of it. The desideratum for such a bank was to erect it on a wider basis. It might be done, when the charter of the Bank expired, either by extending its capital, or by raising rival banks to it, for which there were not wanting several specious projects. He should listen with great attention to any thing upon that subject, because, though he thought that the present system might be made efficient, if it were favourably and honourably carried into effect without any tricks, contrivances, or meannesses, still he was free to confess that he should have no objection to improve and strengthen it. The first plan which he had heard mentioned, was to erect a second bank. Now he must say that he knew of no plan on which a second bank could be erected without augmenting the present confusion. One bank would be jealous and fearful of the other, and would take every opportunity of acting against it. Neither the public nor the

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banks would know precisely what they were about. At present the Bank of England was perfectly acquainted with the nature of its transactions; it knew the risk which it ran, and the responsibility which it incurred; but if a rival Bank were established by its side, the competition would create confusion, and in the eagerness for profit the recollection of its liabilities would be lost. But if they strengthened the old establishment by widening its basis and extending its capital, he was of opinion that they would confer very substantial benefit upon the community. He had been in hopes that the *rt. hon. gent.* was going to usher in that evening some plan better than any which had hitherto been devised; but a speech of greater promise and of less performance he had never heard in the whole course of his parliamentary experience. The object of the *rt. hon. gent.*'s measure was contained in the simple annunciation that the Bank had agreed to concede that part of its privileges by which banking establishments were prevented from consisting of more than six members. He must tell the *rt. hon. gent.* in the outset, that he had made his own answer to his own scheme, though perhaps he did not think so, quite conclusive against it. For, though at present the members of a banking establishment might consist of as many as six persons, it appeared that only 26 out of the 700 banks which now existed had availed themselves of that privilege. For his own part, he saw nothing magical in the number six; and if six persons could not now be found, except in rare instances, who were willing to trust themselves together in banking establishments, he did not conceive it very likely that more than six persons would be found anxious to associate themselves together for such purposes, when the privilege of doing so was given them by law. If any country gentlemen should avail themselves of that privilege, he should say that it was the greatest act of folly they could possibly commit. If the *rt. hon. gent.* had allowed persons to combine together on condition of depositing their capital, and of limiting their responsibility to that capital, he would have found plenty of individuals ready to engage in such associations. Landed gentlemen would put down their five, their ten, or their twenty thousand pounds, as might be convenient; and banks would then be formed all over the country on the very best principles. He saw no objections at present to such a system; but if it were sifted as it ought to be, it was probable that some objections might be discovered. He thought, however, that they would be of a very trivial nature, and would be more than counterbalanced by the advantages to which such a system would give rise. He was sure that by adopting it, solid establishments would be created all over the country, in which prudent men with families would be very willing to connect themselves. They might be created either on the principle of a *commandite* or a joint stock company. In the first case, he would make it incumbent on every person who joined it to make a public record of their capital, and to balance their books once a year. Then if any partner owed any thing to the Bank, and touched his capital, he should be made liable to all the debts of the establishment—a regulation of which he could not complain, as he would not be involved in them without his own direct participation.—There was another point on which he wished to express his sentiments to the committee. It was one of extreme importance

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to all banking establishments, and contained a principle, which if it were adopted, would put them out of all apprehension of such danger as they had recently incurred—he meant the propriety of making silver as well as gold a legal tender. He was not going to state any novelty upon this subject; silver was a legal tender in every country but our own; and in point of law, up to a very late period, it was even a legal tender here, when of a fixed fineness. The proportions having been ill-regulated here, it became the interest of the debtor to pay in gold rather than in silver, and thus a practical tender of gold was established among us. We had now had it so long, that we had almost forgot how we came by it; but what he had stated was matter of history, and not of speculation. The question, when it was determined in that house at the time of the Bullion Committee, was determined too much in accordance with the views of philosophers and theorists, who looked to a fanciful perfection in the standard of value, and lost sight of a consideration which they ought always to have had before them—not to establish a more imperfect, in their anxiety to establish a more perfect standard. If one point was better established than another, it was this—that the perfection of a standard consisted in its invariableness. Gentlemen might say, “If that be so, how can the standard boast of its invariableness, when it consists of two different metals, and when, to the general mutability of each, is added the mutability between gold and silver; surely, instead of diminishing, such a plan will increase the variability of the standard.” Now if he could show that by admitting the two, the currency, as distinguished from the standard of value, would in point of fact be rendered less variable, they would have a less variable standard to measure all commodities by. In the first place, the Bank of England, if it had the power to pay in silver, would be able to get it out of every country in the world. Gold on the continent is a mere article of merchandise, whereas silver, being the current medium, is always to be procured. If a man had a bill of exchange upon Hamburg, Amsterdam, or Paris, where silver was the legal tender, he might get either gold or silver for it; but if he got silver, and with that was obliged to buy gold, it was evident that by rendering gold scarce, he would create a difficulty in procuring it. He had no doubt that if they could get at a knowledge of the operations of the Bank, it would appear that the Bank had sent silver to the Continent to procure gold. Now if the Bank had been possessed of the power to pay in silver, it would have had no occasion to resort to any such measure. The evil of a single standard was clearly perceptible. The Bank, obliged to pay in a metal which is not the currency of any other country, but a matter of merchandise, is liable to be speculated against in every direction, and nothing would be easier than for a person with very inferior capital to stop the Bank from getting even a single ounce of gold. It might be said, perhaps, that the present system had worked well in former times—he denied it. The country did not go on well with it. We were obliged to terminate the American war, because, if we had continued it, the Bank must have stopped its payments in gold. When the French war came, it was of such a nature that we could not stop it, because the French would not make peace. The Bank in consequence

suspended its payments in cash, and the country went on with the war. The system, therefore, did not work any better for us in former times than it did at present. The whole history of the past proved it beyond disputing. The country was now in a state of embarrassment in which it would not have been placed if it had possessed the same metallic standard with every other country in the world. Its present difficulties arose from its taking a metallic standard which no other country took. Why was this country the only sufferer? Because the variability of our standard depended on the variability of a currency of paper and gold mixed; whereas the variability of the standard in other countries depended on a currency of silver and gold mixed, and it had always been found that paper and gold mixed were more variable than silver and gold mixed. Take, for instance, the case of France, where gold and silver lived together in perfect harmony, and where there was seldom more than a variation of 10 centimes between them. They sometimes differed from  $10\frac{1}{2}$  to  $10\frac{1}{2}$ ; but he was told that now for the first time since the establishment of the gold and silver currency, the difference had increased  $1\frac{1}{2}$  per cent. in consequence of the demands of the Bank for gold; and that in consequence of our wish to have this beautiful and philosophical standard, the price of it had risen in every country of Europe. Against this variation of ten centimes, he would place the variation of 20 or 30 per cent. which existed in the value of commodities in England, and even in that of the pound sterling. This variability in the standard cramped the measures of the Bank and narrowed its power of assisting its customers. Some persons imagined that there would be considerable difficulty in establishing this double standard; but he knew others on whose judgment he could rely with confidence, who thought that it could be established with ease and safety, and that it was absolutely necessary to relieve the country from its present difficulties. His plan was to leave the smaller silver coins in circulation, as the half-crowns, the shillings, and sixpences; to call in the crown-pieces, which at present were little used, and could well be spared from the general circulation; to recoin them, and to make the crown-piece a legal tender to any amount, not taking it at the present value of silver, for that would be depreciated, and he should be sorry to propose any depreciation in the standard. The proportion of gold to silver was in England 15 to 1, and in France  $15\frac{1}{2}$  to 1; but he trusted that by making both legal tenders, they would approach nearer together, and that the disproportion between them would ere long cease to be so great as it was at present. He was quite sure that the smaller coins which he should leave in circulation would not be injurious to the success of his plan. It might perhaps be objected that with 10 sixpences of the current coin he could buy 12 of the present standard, and that a depreciation of it would consequently ensue. But that was the case even now, as silver could be bought in the market. The standard of the 11, sterling, however, would remain the same, and the Bank would have greater facility than it had at present for protecting itself against danger. Gentlemen might perhaps suppose that they would be incumbered by the difficulty of carrying about such a medium; but they would find that they would be able to get 100l. of gold for 100l. of silver for an agio of two shillings,



as in France it was now done for an agio of two francs. He had still one observation more to make. Gold went out of the country much faster than silver. Most things in life were attended by their disadvantages as well as by their advantages. They had now got a beautiful coin of peculiar fineness, which, as the exportation of it was permitted by law, went with great rapidity out of the country. The old principle was, that the moment the exchange turned  $\frac{1}{2}$  or 1 per cent. against England, the gold was exported; but now the case was entirely altered. Formerly it could not be exported without considerable fraud, and some risk; for when it was once out of the country, it was liable to seizure by the officers of the customs. Now, it could be put openly into a bag, and be carried away; and in times of difficulty like the present, a man would prefer taking a coin abroad with him to taking a bill of exchange, as there was risk with the one and not with the other. It was exported too, in infinitely larger sums than it was heretofore; for it was now sent out in hundreds of thousands of pounds by men of large capital, who formerly refused to export it, as it was contrary to law, and so left the trade to Jews and the smaller dealers in contraband commodities. The Bank, therefore, had formerly a greater power of protecting itself against danger than it had at present; and it was therefore requisite to furnish it with fresh powers for its security and preservation. A further advantage of establishing a double standard would be, that if the gold went out of the country, the Bank could pay in silver; and if the silver went out, it could pay in gold; so that, admitting that there might be some slight imperfections in this system, the advantages of it would do far more than counterbalance them. It would be the best method of relieving the country from its present embarrassments; and if it would prevent, as he maintained that it would, the recurrence of similar distress, there was no sacrifice which we ought not to make for the adoption of it. No slight difference in the standard ought to deter us from taking measures to prevent the recurrence of similar measures to those which had recently convulsed the country.—With respect to the amount of the country issues which the rt. hon. gent. now proposed to call in, it should be observed that a considerable diminution had already taken place. On a recent occasion the rt. hon. gent. had stated them to be 6,000,000*l.* now he called them 4,000,000*l.* and not long since they were said to be 8,000,000*l.* They had been proceeding in this inverse ratio "of the men in buckram," that it was not improbable they might at no very distant period be rated as *nil*. Now, although the sudden calling in of any of these sums, whichever amount might be ultimately fixed on, would be the cause of great distress, yet that must not be considered with reference to the effect which the measure might produce in the metropolis. What would scarcely be felt here would be the cause of infinite mischief in the country, because the scale upon which it would be applied would be so much larger. Here such a sum would be nothing—there it would be every thing. He would further suggest to the rt. hon. gent. that it would be prudent to pause before the plan which he had proposed should be adopted, for this reason—that although the issue of the small notes had already been partly restrained, it had been done at the price of increasing the exist-

ing distress. The country bankers had already begun to dun all their debtors, and to call somewhat clamorously for all that was owing to them. It was true that the rt. hon. gent. meant to give three years for the completion of his plan; but it was obvious that for what was to be done three years hence, preparations would be begun now. He knew very well that when the proposed scheme should be effected, that we should come back to sound principles, upon which there would be no danger in acting; but his anxiety was to know what was to be done in the meantime, and, unless this should be ascertained, he thought the house could not safely proceed. He wished that the rt. hon. gent. could be prevailed upon to postpone his measure for another year, or to leave it alone altogether. He was not less anxious than any man that a remedy should be applied to the distress which now prevailed universally; but he could not bring himself to see that remedy in the plan which the rt. hon. gent. had suggested. On the contrary, he thought that the rt. hon. gent. was going too fast, if not too far, in his present motion. If, on the contrary, things should be let alone, the distress would certainly not be aggravated, and the people would probably find out that three-fourths of it had been the result of mere panic and alarm, which was in many respects unfounded. The measures which he wished to see adopted, and which were recommended by their obvious expediency and safety, were, that banks should be established either upon the principle of joint-stock companies, or in such other way as might induce persons of capital to go into them; that a double standard should be resorted to; and that ministers should relieve the Bank of England from that incumbrance which its present connexion with the Government occasioned.

Lord Falkstone said, that the rt. hon. gent. had come to the house with a proposal for applying a remedy to an evil, the nature of which he had not yet ascertained. For his own part, he (Lord Falkstone) thought that the present crisis was much more serious, and the consequences with which it was fraught would be much more injurious, than ministers seemed to imagine. Melancholy as the prospect was at this moment, there was no certainty that it would improve in any very short time. He agreed with his hon. friend (Mr. Baring), that the rt. hon. gent., in the plan which he had suggested, was going much too far. The only remedy which he proposed was, in fact, to repeal the measure of 1822. It would be remembered, that the bill of 1822 was proposed after some years of intense pressure, and when a wide-spreading calamity had prevailed over the whole of the country. The distress, he must remind the house, had been most severely felt in 1819, 1820, and 1821, and it had then pressed most heavily upon the manufacturing interests; but it was not until 1822 and 1823 that the agriculturists suffered, and then it was stated that the bill was brought in to assist the circulating medium; and what was the consequence?—why, prices immediately rose, and had continued at a high rate from that period to the present. In 1819, that measure, which was commonly called Mr. Peel's bill, passed, which enacted that after 1823 no small notes should be issued; the consequence of which was, that the Bank began collecting gold, of which they got a large quantity in a short time at a considerable expense. By



this operation an immense difference was effected in the currency, which began to be felt in 1820 and 1821; and long before the time limited by the act, all the small notes of the Bank of England had been withdrawn from circulation. The country banks were upon this compelled to follow the example as far as they could, and to narrow their issues. To remedy the distress consequent upon this measure, the bill of 1823 was passed; prices immediately rose, and the distress was thus relieved. It was now proposed to repeal that bill; but he would ask whether the present circumstances of the country afforded the least reason for believing that to do so would not bring back again the distress? It was impossible to doubt that this must be the result of such a measure. In his opinion, nothing could be more injurious to the country than this eternal fluctuation of prices, which had now been going on for several years. In 1815 and 1816 there was distress; in 1817 and 1818 that distress was relieved by the large issue of bank-notes; then came Mr. Peel's bill, and after that a fall of prices; then the bill of 1823 was passed, and then the prices went up. Now, it was proposed to repeal that bill, and the consequence must inevitably be another decline of prices. The most mischievous of the many evil consequences which attended these fluctuations was, the loss which they occasioned to the poor man; not only because they caused him to lose whatever little property he might have laid up, but because they bore heavily upon him in every article of necessary consumption. He contended that the poor man was now in a worse state than he had been twenty-five years ago. He had examined the returns of the allowances made to the poor in the county of Berks, and he found that at the period to which to which he alluded the weekly allowance had been 2 loaves and 1s. for a man, 1 loaf and 1s. for a woman, and 1 loaf and 6d. for a child: now, the same allowance was 1 loaf and 1s. for a man, 1 loaf and 6d. for a woman, and 1 loaf only for a child: the condition of the poor man was, therefore, worse now than it had been twenty-five years ago; and he was convinced, that whatever effect the fluctuations might produce upon other classes of society, the lower orders always suffered.—With respect to the proposed establishment of joint-stock banks, he did not think that they would do much towards relieving the present or preventing future distresses. It was generally supposed, and, for his own part, he believed, that the existing evils arose in a great measure from the immense quantity of paper in circulation; and, as these banks must in any case have a greater power of forcing paper into circulation than those now in operation, he did not see the great benefit which was to be produced by them; but, on the contrary, he saw that a power would be granted which might prove injurious to the country. A great deal had been said respecting Scotland, where such banks existed; but it did not appear from what he had learned on the subject, and from that book which had been so much read and commended of late\*, that the distress in Scotland was less than that which prevailed in England. He could not help believing that the rt. hon. gent. had not examined into the ex-

tent of the calamity which prevailed, nor of the remedies which it required; these facts were evident to him, not less from the language which had been addressed to the house on the first day of the session, than from that notable document which had lately been made public in the shape of a correspondence between the Bank of England and the Lords of the Treasury. A more extraordinary document he had never seen. It began by stating that the difficulty was all over, and that the pecuniary transactions had reverted to their accustomed course: then, after having laid all the blame of the distresses on the rash spirit of speculation which had long prevailed, it proceeded to say that the remedies must be so and so. It was true that his Majesty's speech said the remedies were out of the reach of Parliament; but this was only another of those inconsistencies which characterised the conduct of the rt. hon. gent. in many respects.—He (Lord Falkstone) did not intend to offer any opposition to the measures now proposed; but he wished the house to be much better informed than they were at present before they agreed to them. Every one must be astonished that only a year had elapsed in that state of brilliant prosperity about which so much had been said, and at the end of it we found ourselves plunged in the deepest distress. It might be true, that a wild spirit of speculation had been one of the causes of that distress; but he must remind the rt. hon. gent. that no one had encouraged that wild spirit more than himself, and that the speeches which he had delivered in that house had promoted it far more than any other circumstance could have done. Formerly, any one would have been scouted who should have been hardy enough to suggest that there might have been any thing hollow or unsteady in his glowing predictions. But the rt. hon. gent. himself knew very well that they were hollow,—he had the means of knowing it,—his situation must have acquainted him with it; and the measure which the rt. hon. gent. now proposed, as a remedy for the distress which had ensued upon the dream of prosperity, was the best proof that could be given of its emptiness.

Major Maberly said, that he disagreed with almost every thing that had fallen from the hon. member (Mr. Baring), except the praise which he had bestowed on the liberal conduct of the Bank during the late emergencies. But for that conduct, he (Major Maberly) should have been tempted to accede to almost any proposal which might have disjoined the connexion between the Bank and the Government.—With respect to the substitution of a silver standard, or one of silver and gold, instead of that which at present existed, he should have no objection to it, if it were in the nature of a silver currency, to advance as that of gold might happen to recede; but, as he believed that no such effect attended it, he should hesitate to approve of it, though he might do so at the risk of being classed with that sort of philosophers of whom the hon. member was once a member, but on whom he now cast his censures whenever the occasion offered.—He regretted that the rt. hon. gent. (the Chancellor of the Exchequer) had not given a more accurate account of the evidence on which he had been induced to propose the remedy now suggested. Among those persons who were best informed on the subject, two opinions prevailed as to the cause of the present distress:

\* Mr. Tooke's "Considerations on the State of the Currency, &c."



the first was, that it had been occasioned by the connexion between the Bank and the Government; and the second attributed it to the over-trading, and to that mania for speculation which had existed in so extraordinary a degree. He declared himself to be of this latter opinion (hear, hear); and, while he stated the grounds which confirmed him in that opinion, he should point out the considerations on which he thought the other erroneous. It had been stated that the low rate of interest had been the chief cause that had promoted the speculations, and this low rate of interest was attributed to the over-issues of the Bank; but these over-issues, as they were called, had existed for a year and a half before they affected the rate of exchange. Now, he put it to any gentleman who understood this subject, whether an over-issue could take place without its having the immediate effect of returning the paper upon the Bank, altering the exchanges against this country in favour of other nations, and causing the exportation of gold. The first men who would observe and act upon such a change, would be those persons on the Exchange, to whom the variations in the money-market, as they would elevate them to fortune, or plunge them in ruin, were of the first importance. This acute and intelligent body of men, whose interests were so inseparably connected with these affairs, were constantly watching them; if any over-issue had taken place, these persons would have known and instantly taken advantage of it, and that they had not done; and this was a plain proof that there could have been no over-issue. To this important point he called the attention of the house, and he begged it to be recollected, that the alleged over-issues took place in 1823, while it was admitted that no change had taken place in the rate of exchange until 1825. In 1822, the Chancellor of the Exchequer had reduced the interest of the debt. The same thing was attempted about the same time in France, but was defeated in the Chamber of Peers; and, if they looked to the speculations at present ascribed to the over-issue, they would be found to have been on foot long before any over-issue was indicated by the rate of exchange, towards the close of 1823. Persons who had derived a small income from the interest of their money, were unwilling to lose the comforts they had previously enjoyed, and readily embarked in speculation as the means of keeping it at the same rate. Mr. Tooke had pointed out other causes which operated, with the spirit of speculation, to produce the recent convulsion. That writer stated, that about the end of 1824, the stock of manufactures of almost every description on hand was shorter than usual. The consequence was, that immense speculations took place in various articles. Cotton and silk were imported in immense quantities. To such an extent was the speculation in cotton carried, that it increased in price from 150 to 200 per cent. In 1825, it was found that there was an accumulation of stock on hand. Prices were daily falling, and sales were effected with greater and greater difficulty. Then came the senseless and unreasoning panic with respect to the bankers. From the nature of their business, bankers were totally unable to pay at one moment all the money which was deposited with them; if they paid all the money on their books, they could not carry on their business. The panic hourly increased, and what the con-

sequences might have been if the Bank of England had not come forward to check the evil, no one could tell. This was a short history of the recent distress. He attributed it entirely to over-trading. It was an evil to which no legislative remedy could be applied. It could be cured only by the experience and example of those who had suffered.—The two measures brought forward by Government had very little reference to the causes of the distress. The first measure would prove inefficient. If there were now only twenty-six banking establishments in England which possessed the full number of partners allowed by law, by what charm did ministers expect that their measure would be able to raise up banking establishments composed of a still greater number? Besides, the evil was not that the present banking establishments wanted solidity. This was proved by the fact that the number of bankers who failed who were unable to meet all their engagements was very small. The evil in our present banking system was the imprudence of bankers in the carrying on of their business,—their want of knowledge, in fact, of banking.—With respect to the second proposition of the *rt. hon. gent.*,—namely, that, to enable the Bank of England to establish branch banks,—it met with his hearty concurrence, and he sincerely hoped that it would be carried into effect. Those establishments would naturally be more cautious with respect to the amount of their issues than country banks.—One of the measures which ministers had in contemplation was, the putting a stop to the issue of 11. and 21. notes. The reasons which ministers gave for this measure were to be found in the correspondence which had lately passed between the First Lord of the Treasury and the Chancellor of the Exchequer on the one hand, and the Bank on the other. In one of the papers composing that correspondence, the *rt. hon. gent.*, and the noble lord his colleague, say, "It appears to us to be quite clear that such a measure would be productive of much good, that it would operate as some check upon the spirit of speculation, and upon the issues of country banks; and whilst, on the one hand, it would diminish the pressure upon the Bank and the metropolis, incident to an unfavourable state of the exchanges, by spreading it over a wider surface; on the other hand, it would cause such pressure to be earlier felt, and thereby ensure an earlier and more general adoption of the precautionary measures necessary for counteracting the inconveniences incident to an export of the precious metals."—The allusion to the state of exchange in the paragraph which he had just read, was, in his opinion, quite beside the question. The unfavourable state of exchange was the effect of over-speculation. It was, he understood, part of the plan of the Government to invest commissioners with the power of regulating the issue of small notes. To that he most decidedly objected. When he saw the manner in which commissioners of the sinking fund were schooled by Government,—how they were at their beck and call, purchasing and selling only as Government pleased, he should object to any arrangement which would give ministers the power of interfering directly with the currency. On this political ground, therefore, he would oppose the measure. He did not anticipate from a metallic currency those advantages which some persons seemed to think would be derived from it. Money had been



happily compared by Dr. Smith to the high-roads, which did not produce a single blade of grass or grain of corn, but which served to circulate all the grass and corn in the country. The office of money, however, might be performed by paper as well as by gold; and the substitution of paper in the place of gold was, in fact, equivalent to so much gold gained; whilst the substitution of gold for paper diminished the capital of the country, and reduced the means of employment. It was, in fact, the imposition of a tax to the amount of the capital which it displaced. He denied that there was greater security to be found in a metallic than in a paper currency. The *rt. hon. gent.* had himself destroyed that proposition by the sentence which immediately followed that which he had already quoted from the correspondence upon the table. The passage to which he alluded was this:—"But though a recurrence to a gold circulation in the country, for the reasons already stated, might be productive of some good, it would by no means go to the root of the evil."—The *rt. hon. gent.* went on to say, in the same document,—"We have abundant proof of the truth of this position in the events which took place in the spring of 1793, when a convulsion occurred in the money transactions and circulation of the country, more extensive than that which we have recently experienced. At that period, nearly a hundred country banks were obliged to stop payment, and Parliament was induced to grant an issue of Exchequer bills to relieve the distress. Yet, in 1793, there were no 11. nor 21. notes in circulation in England, either by country banks or by the Bank of England. We have a further proof of the truth of what has been advanced, in the experience of Scotland, which has escaped all the convulsions which have occurred in the money-market of England for the last thirty-five years, though Scotland, during the whole of that time, has had a circulation of 11. notes; and the small pecuniary transactions of that part of the United Kingdom have been carried on exclusively by the means of such notes." He did not require a stronger proof of the insufficiency of a bullion currency to afford security than the statements contained in the *rt. hon. gent.*'s own paper, from which it appeared, that in 1793 the greatest convulsions took place under a bullion currency, whilst Scotland, which had possessed a paper currency for the last thirty-five years, had never experienced any convulsions whatever. He was willing to rest his argument in favour of a paper-currency entirely on that document. If he looked at the present time, however, he should find ample proofs of his opinion. Compare the situation of London and Lancashire, which possessed a metallic currency, with other parts of the country where a currency of paper prevailed, and it would be seen that the former had been exposed to greater fluctuations than the latter. He sincerely believed that the whole of the recent distresses had been caused by over-trading (hear, hear). Such periods of speculation were not of very frequent occurrence, but they had occurred from time to time, and were recorded on the page of history. The period of the South Sea scheme was distinguished by speculations far more extravagant than any which the country had recently been witness to. Those speculations, as described by an eye-witness, appeared so enormous and so wild, that, compared with the recent schemes,

they were as a drop of water to the ocean. A very interesting description of the period to which he alluded was given in Macpherson's *Annals of Commerce*. "From morning till evening," said the writer, "dealers in speculations, as well as in South Sea Stock, appeared in continual crowds all over Exchange-alley, so as to choke up the passage through it. Not a week passed without fresh projects, recommended by pompous advertisements in all the newspapers, thereby swelled enormously, directing where to subscribe to them. On some, sixpence per cent. was paid down; on others, a shilling per cent; and some came so low as one shilling per thousand at the time of subscribing. Some of the obscure keepers of those books of subscription, contenting themselves with what they had got in the forenoon by the subscriptions of one or two millions, (one of which the author particularly well remembers,) were not to be found in the afternoon of the same day, the room they had hired for a day being shut up, and they and their subscription-books never heard of more. On others of those projects, 2s. and 2s. 6d. per cent. were paid down; and on some few 10s. per cent. were deposited; being such as had some one or more persons of known credit to midwife them into the alley. Some were divided into shares, instead of hundreds and thousands, upon each of which so much was paid down; and both for them and the other kinds, there were printed receipts signed by persons utterly unknown. Persons of quality of both sexes were deeply engaged in many of them, avarice prevailing at this time over all considerations of either dignity or equity; the gentlemen coming to taverns and coffee-houses to meet their brokers, and the ladies to the shops of milliners and haberdashers for the same ends. An impudent impostor, whilst the delusion was at its greatest height, needed only to hire a room near the alley, for a few hours, and open a subscription-book for somewhat relative to commerce, manufacture, plantation, or some supposed invention, either newly-hatched out of his own brain, or else stolen from some of the many of the abortive projects of which we have given an account, in former reigns, having first advertised it in the newspapers the preceding day, and he might, in a few hours, find subscribers for one or two millions, and, in some cases more, of imaginary stock. Yet many of those very subscribers were far from believing those projects feasible: it was enough for their purpose that there would very soon be a premium on the receipts for those subscriptions; when they generally got rid of them in the crowded alley to others more credulous than themselves; and, in all events, the projector was sure of the deposit-money. The first purchasers of those receipts soon found second purchasers, and so on, at still higher prices, coming from all parts of the town, and even many from the country. And so great was the wild confusion in the crowd in Exchange-alley, that the same project, or bubble, has been known to be sold at the same instant of time, 10 per cent. higher at one end of the alley than at the other end. Amongst those many bubbles, there were some so bare-faced, and palpably gross, as not to have so much as a shadow of any thing like feasibility. The infatuation was at length so strong, that one project was, in the newspapers, advertised thus,—'For subscribing two millions to a certain promising or profitable design, which will



hereafter be promulgated\*." He would only mention two or three of the extraordinary speculations which were at this period set afloat. Amongst them was a scheme for improving malt liquors, and for breeding silk-worms (laughter). For this purpose 20,000*l.* was actually subscribed, and several large buildings erected. There was likewise another scheme, which must have been peculiarly attractive,—that of making salt-water fresh; and another, which appeared somewhat extraordinary, was to bring fresh fish to London by sea (a laugh). To such an extent did the spirit of speculation then prevail, that 60*l.* was frequently paid for permission to subscribe to an undertaking. He would beg the attention of the house to a passage, in which the author described the termination of the frenzy:—"The frailty of the whole South Sea scheme now hereby also appearing to all, the stock on the 29th of September had fallen to 175 per cent., and their bonds were at 25 per cent. discount; whereupon there appeared great uneasiness and clamour amongst the monied men, which produced a great run or demand for cash at the Bank, and a greater one on the private bankers, who had generally lent out much of their cash on South Sea stock and subscriptions, whereby several very substantial ones were obliged to stop payment for some time. And now, just when drowning, all people began seriously to reflect on the calamities brought on France, but a few months sooner, by the famous Mississippi stock or bubble; and to draw a melancholy parallel, which reflections made a few months sooner, would have saved many a worthy family from distress: great clamour was also raised on account of contracts at high prices, for the third and fourth money subscriptions performable on the delivery of the company's receipts, though no receipts had ever been issued for them†.—Was not this account sufficient to prove that the spirit of wild and ungovernable speculation was sufficient to produce a state of things such as existed at the present moment? He had hoped that he should have been able to give his support to the measures proposed by ministers on the present occasion. On all questions of commercial policy, however he might differ from them on other subjects, he had desired to concur with them. He believed in his conscience that the *rt. hon. gent.* and his colleagues had adopted a system by which the commerce of the country would be fostered and extended. That system was not perfected at present; but it was an approximation to the only just and substantial basis which reason had long proclaimed and advocated, and which the interests of the country had long imperiously required.

Mr. Huskisson said, that his hon. friend (Mr. Baring) had indulged in some animadversions on what he was pleased to call the insensibility of the First Lord of the Treasury and the Chancellor of the Exchequer, in respect to the present state of the country. He was not sure, indeed, whether his hon. friend had not included the whole of the members of Government in his censure. It was not necessary to vindicate the noble lord at the head of the Treasury from the imputation of a want of feeling, either for the difficulties of the country,

or the distresses of individuals. But his hon. friend had commented very strongly on a passage in the correspondence between Government and the Bank, without distinctly understanding the way in which it applied. The passage to which he alluded, was that commencing with the words, "The panic in the money-market having subsided," &c. He need not ask his hon. friend, who was in London about the middle of December, and was a witness to what was passing, whether there did not exist at that time, for two or three days, a state of affairs in the money-market, (contradistinguished from commercial distress,) which rendered it impossible to procure money even upon the most unobjectionable security? He appealed to every gentleman present connected with the city, whether it was not a fact, that during forty-eight hours it was impossible to convert into money, to any extent at least, the best securities of the Government? Persons could not sell Exchequer Bills; they could not sell Bank Stock; they could not sell East India Stock; they could not sell the public securities. That difficulty did not arise from any national idea of the insolvency of the Government, or of the Bank, or of the other great corporate body, but from the panic alluded to as having existed and been removed, in the passage which had been referred to. Was the statement true, then, that the panic,—that state of things which he had just described—had been removed? No one now heard of two or three London bankers stopping every morning. It was no longer impossible to convert public securities into money. The operations of the Royal Exchange had resumed their ordinary course. Did Lord Liverpool suppose that when the panic in the money-market was over, the commercial transactions of the country would not be affected? No such thing. In the conversations which he had with Lord Liverpool, his lordship had stated that the convulsion in the money-market must inevitably derange the transactions of commerce, and involve them in difficulties. The hon. member (Major Maberly) had made the distinction between the operations of the money-market and those of commerce. If the difficulties which existed in the money-market a short time since had continued for only forty-eight hours longer, he believed that the effect would have been to put a stop to all dealings between man and man, except by means of barter. The hon. member had truly observed, that the Bank, by their prompt and efficacious assistance, put an end to the panic, and averted the ruin which threatened all the banking establishments in London, and through them the banking establishments and monied men all over the country. He would take upon himself to say, that the Bank, throughout their prompt, efficacious, and public-spirited conduct, had the countenance, advice, and particular recommendation of the first Lord of the Treasury, and his right hon. friend (the Chancellor of the Exchequer) to assist them. He had a right, therefore, to say that his colleagues, in their communication to the Bank, alluded to the state of the money-market only. They knew the extent of the distress which existed in the commercial interest, but they did not allude to it, because it was not immediately connected with that part of the subject to which they were directing the attention of the Bank. His hon. friend (Mr. Baring) had inferred from what appeared in

\* Vol. iii. p. 88,9.

† Vol. iii. p. 102.



the correspondence, that Government was ignorant of what passed in Scotland. Could it be supposed that his noble colleague and his rt. hon. friend were so ignorant of the state of the country, as not to know that the greatest commercial distress at present existed in Scotland, and that the Scotch bankers, by their mode of affording discounts, were aggravating that distress? It was, however, quite consistent with that fact, that the system of Scotch banking afforded greater securities than the English system, and therefore it was desirable to introduce the former here. He did not know whether the noble lord (Folkestone) intended to subject the whole of the members of Government to the charge of insensibility for the distresses of the country, but he could assure the noble lord that there was no part of his speech in which he so cordially concurred, as that in which he stated that a system of currency which produced great and violent fluctuations in the price of commodities, was one which, however it might affect the opulent merchant or the man of landed property, was most to be deplored on account of the manner in which it operated to aggravate the distresses of the labouring classes. That opinion he had uniformly maintained. It would be found recorded in the report of the bullion committee of 1810, and it had been stated by him on every occasion when he had been called upon to deliver his sentiments on the subject. His hon. friend (Mr. Baring) had observed, that he had never heard a speech so calculated to create disappointment—so inadequate to the occasion, as that of his rt. hon. friend. His hon. friend followed up that remark by a dissertation—a very able one certainly, to which he had listened with great attention, and in some parts with great satisfaction—on the general system of banking in the abstract. His hon. friend then entered upon a statement of the difficulties under which he supposed the Bank to labour on account of the advances on Exchequer bills and other advances more or less of a permanent nature, made by the Bank to Government. As the question was one of fact, it was material that it should be set right. His hon. friend had stated the advances made by the Bank on account of the half-pay annuity at 8,000,000*l.*, forgetting that considerable sums were paid by Government to the Bank twice a-year on account of that transaction, which, if deducted, would reduce the amount advanced by the Bank to 5,400,000*l.* He was not going to discuss the prudence of that arrangement; but his hon. friend, who had himself contracted for loans with Government, and had had the management of them, need not to be told that this was a loan on the part of the Bank, though it might not please his hon. friend that the Bank had kept it all to itself, without doling out any part of it to the public. With that, however, he had nothing to do. The Bank were the best judges of their own interests. He could take upon himself to say, and no Bank director present could contradict him, that there was nothing done on the part of the Government to prevent the Bank from disposing of the contract in any way they might think proper at any period. His hon. friend complained that the whole of the capital of the Bank was lent to the Government. If he meant that the whole of the capital which the Bank possessed at the period of its foundation was lent to Government as the price paid for their charter, he

(Mr. Huskisson) would not dispute the truth of that proposition; but his hon. friend ought to distinguish between that capital and that which had been since accruing to the Bank in consequence of their operations, and with which they were at liberty to deal as they pleased. His hon. friend stated that the Bank were in the habit of issuing 7,000,000*l.* upon Exchequer-bills at one time, and 9,000,000*l.* at another, and that those advances swallowed up all their capital, and left them without any means at their disposal. In the first place, did any one suppose that the 7,000,000*l.* which constituted the charge on the consolidated fund, was all demanded in one day? The money was drawn out in separate portions at different periods. At the same time the accruing receipts of the new quarter were daily paid into the Bank; so that, after all, the alarming statement made by his hon. friend respecting deficiency bills, which he was surprised that he should have put forth at a period of such excitement, amounted to nothing more than this—that the Bank was in the habit of paying daily to and receiving daily from the Government, in the same way as a private banker would deal with his customer. Instead of the Bank advancing 24,000,000*l.* to Government, as his hon. friend had stated, they advanced only the sum he had mentioned on account of the half-pay, (which they might get rid of if they thought proper,) and about 6,000,000*l.* on Exchequer-bills; for with respect to the deficiency bills he considered it no advance at all.—He was not a little surprised at another part of his hon. friend's speech. He stated that at an early period after the conclusion of the war, the market which existed on the Continent for our manufactures afforded a favourable opportunity for obtaining a supply of gold, which would have enabled Government to have got rid of the 1*l.* and 2*l.* notes. Did the hon. member recollect the state of distress in which the continent was placed by the operation of the tremendous war of which it had been the theatre for a quarter of a century? The continent had not then means of paying for our manufactures. There was at the present moment a much greater export of manufactures than at the period to which his hon. friend had alluded; and his hon. friend could not so far forget those principles of trade which he had so often professed as not to know that, as our exports were greater than our imports, so the payments to be made in bullion increased; and that this was the only way of procuring the precious metals. The quantity of exports last year was greater than in any previous year in the history of the country—their total value was greater than in any previous year. What signified it to him, whether those exports went to Cuba, or the United States, or the New States of South America? They might go there and be paid for by bills drawn upon Europe, which would bring gold thence hither, as well as if the goods were sent thither. The operation of bills was now so extensive that he had known bills drawn in South America on the East Indies, where they were paid in bullion, which thus found its way to England. To talk, then, of our having been shut out from the continent, and having lost the opportunity of obtaining bullion, shortly after the peace, was a misrepresentation of facts. The real cause of the distress of the country—as had been stated by his hon. friend—was over-trading; that was the immediate cause.



Mercantile men were, of course, aware that there was published, twice a week, in London, a *price current* of the different articles on sale in the city; and to this the editor was in the habit of giving, at the end of the year, a summary of the rise and fall of prices, adding his own opinions of the manner in which the markets had been conducted during that period. The paragraph which he was going to read from that paper had reference to the year 1825. The writer, after some observations and comments on the general state of the markets, went on to say, that such was the mania for speculation, which had taken hold of persons of all classes at the latter part of 1825, that even in the article of *nutmegs*, the price rose, in the space of one month, from 2s. 6d. to 12s. 6d. per lb. He added, that the speculation in other spices had the effect of producing a corresponding rise in their prices. But the mania was not confined to these articles; in cotton, coffee, sugar, and tallow, the rage for speculation was equally great, and merchants, traders, shopkeepers' clerks, and apprentices, equally partook of the phrenzy, vying with each other in their endeavours to secure a monopoly in each different article; so that the prices were raised higher than ever could have been expected, and higher certainly than they could be long expected to continue. And this state of things, be it observed, was not included in the audacious, puffing, bedlamite schemes, with which the market had been inundated; but had its rise amongst those, who were considered the sober, steady merchants and traders of the metropolis. These speculations attached themselves to every staple commodity of our imports, for the purposes of manufacture, as well as to the foreign articles of consumption—cotton, wool, timber, wine, tobacco; in fact, every article which it was necessary to draw from foreign countries. And when, he would ask, did all this take place? At a period when the exchanges were against this country, and when gold was necessarily going out. Now, he would repeat,—and he was anxious to submit his statement, upon this point, to any set of practical men—that the natural effect of an unfavourable state of the exchanges was to encourage an increase of exports, while it checked imports. Well, then, if any set of practical men saw that, at a period like this, when our coin was finding its way out of the country, every corner of Asia and America was ransacked for cotton and for wool; and if, at such a period, money was so plentiful in the country, as to be hawked about, and offered at a depreciated rate of interest, would they not naturally conclude that there was something wrong in our currency? And if so, he would ask any sober man—certainly there were not many sober men in the city at the period to which he alluded; but he called upon any sober man to say to what such a state of things, if unchecked, must come at last? As to the state of the currency, there had been, unfortunately, much difference of opinion upon it. But the Bank felt called upon to provide for its own safety, by narrowing its issues; and what was the result? The spirit of speculation was checked, and as a necessary result, those country banks which had been most rash and immoderate in aiding speculations by advances, were ruined (hear, hear). But the evil did not stop here; for the ruin of a few bad and unstable banks involved in difficulties many establishments of a similar nature, which were

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otherwise placed upon the most stable footing. A panic was spread throughout the country; the country banks, amounting to 700 or 800, applied to the Bank of England as their only resource, so that the Bank of England was assailed upon every side. Seven or eight hundred drains were at once opened upon her—gold was to flow from her into the country. The Bank of England was, in consequence, placed in a state of the greatest difficulty and embarrassment. He would ask whether it was safe or convenient that the country banks should remain upon such a footing? His opinion, after watching carefully the course of events, was—that cash payments and the circulation of 1l. and 2l. notes could not permanently co-exist (loud cheering). He would put his proposition more simply. If there were in any country a paper currency of the same denomination as coin, the paper and the coin could not circulate together: the paper would drive out the coin. Let crown notes be made, and we should never see crown pieces; make half-crown notes, and a half-crown would not remain in circulation. Allow 1l. notes to circulate, and we should never see a sovereign. Every banker was anxious to put into circulation the greatest possible quantity of his notes. The majority of bankers, he believed, were not cautious and prudent men; but, whether cautious or not, they relied, more or less, upon the Bank of England; and not only the seven or eight hundred country bankers of England, but the banks of Scotland and Ireland. Was it the duty of the Bank of England to provide gold upon all occasions, not for ordinary demands, but for any panic which might occur? Were they to provide gold for the adjustment of the foreign exchanges? It was impossible that the Bank could do this; it was unfair that they should be asked to do it: so long as they possessed their former exclusive privileges in banking, there might be less unreasonableness in such a demand; but now that they had surrendered those privileges, they had a right to ask of the house to be relieved from the task heretofore imposed upon them. Why was the Bank of England alone to be called on to ensure its solvency? And why should not country bankers be required to do the same?—Allusions had been made to the effects of unfavourable harvests, and the operation of the corn laws on the currency. But he would ask what must that system be, which had been followed by such distress in a period of profound peace, and after a favourable harvest? If the house did not entertain the present proposition—if the alteration of the currency was left to the chapter of accidents, the mischief might be greater than it now was. One of the great evils which they were called upon to correct was, the excessive issue of paper; this had been productive of the greatest distress; it had caused the ruin of thousands of innocent individuals. It had given rise to fluctuations in the currency which were sometimes in favour of the debtor and sometimes of the creditor; but frequently involved both in misery and distress. Nothing but disgrace and danger would attend any deviation from the principles of currency which the house had recognized. He said that the continuance of the circulation of 1l. and 2l. notes, was neither safe nor advantageous; and he begged to ask, whether, when it was found that such a system was productive of so much general and individual suffering, there was any particular branch of our com-

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merce which could justify its continuance? He was surprised to hear his hon. friend (Mr. Baring) assert, that if this measure were carried, it would involve the whole of the agricultural interests in distress equal to that which had prevailed before 1822. Need he tell his hon. friend, that there was a necessary connexion between those who consume and those who supply agricultural produce? Was it necessary that he should point out the fact, that a fall in the demand for the labour of manufacturers must necessarily produce a decrease in consumption; and that the one must of necessity regulate the other? What was it that created the revival of the agricultural interests in 1822? Principally the revival of the manufacturing interests, and the employment of thousands who had for a considerable time before been deprived of an opportunity of supporting themselves by their labour. The increased means with which they were furnished necessarily produced an increase of consumption, and, looking to the opposite side of this argument, he felt convinced that the manufacturing distresses which were now so generally felt, must have the effect of diminishing the demand for agricultural produce. It was the natural course of things, that, in such a fluctuating state of our currency, all classes of society must, in their turn, be affected by it, and, therefore, the sooner we got rid of that fluctuation, and returned to a sound circulating medium, the better for the community at large. If they wished to prove the value of a steady and unchangeable currency, they had it in the history of France. That country had been twice invaded by a foreign army; her capital had been twice taken possession of, and she was obliged to pay large sums to foreign countries; but she had a steady metallic currency, and however such visitations might have affected the great—however the extensive contractor might have been injured or ruined, the body of the population remained unoppressed. This was to be attributed to the permanent footing upon which the currency of that country had been established. If the object of his rt. hon. friend was carried into execution, it would have the effect of making the country bankers as sensitive on the subject of the exchanges, and as watchful of any unfavourable turn which might take place, as the Bank of England now was. He would be obliged to watch the circumstances calculated to bring gold into, or send it out of, the country; and this caution being timely impressed upon him, there would then be no fear of any convulsion or agitation in the country, as the interest of each banker would compel him to provide himself for any coming emergency; or, in other words, every country bank would feel an equal interest with the Bank of England in watching the state of the currency, and guarding against its fluctuations (hear, hear). He was far from being hostile to these banks; he thought, on the contrary, that they would be of great service to the country if placed under proper regulations. But they must be prevented from issuing paper as low as the highest denomination of the metallic currency of the country. They must not be permitted to issue these 11. notes. Such issues amounted in reality to assuming the powers of the prerogative. Let them continue to issue paper, and to extend and act upon their credit; but they must not be allowed to issue these notes, which was trenching upon the preroga-

tive. He now came to the point, whether this was a proper time for providing for the gradual withdrawing of these notes. Those notes were at present already greatly curtailed by the failure of one hundred country banks, and other causes. The country banks had, at this time, great stores of gold in their hands, drawn from the Bank of England, and Bank of England notes; and now, therefore, was the most convenient time for providing, by law, for the gradual extinction of the small note circulation. If they waited until the present difficulties were passed, they would soon find that these notes, which were now withdrawn, would soon be issued again. And they must also remember the difficulties they would experience from the country banks, in any attempt to intermeddle with their notes and profits, in case the issuing of these small notes were resumed. If they postponed the commencement of this measure, could they be assured that they would ever begin at all (hear, hear)? At present, too, whilst these country banks had only a small number of partners, they were naturally led by views of private interest, to neglect the just principles of banking. But when a bank consisted of, suppose two hundred partners, their business would be differently managed. They would be tied down by rules which would not admit of these ruinous speculations, and their affairs would be conducted on the genuine principles of banking. He allowed that it would be a great improvement, if, under a proper system, chartered banks were established, with only a limited liability. It would, no doubt, induce many persons of great credit and fortune, to invest their money in shares of such banks. But still these banks, with an unlimited liability, would be of great service. His hon. friend (Mr. Baring) had recommended the giving to England a metallic currency on a more extensive basis than could be obtained by the recal of the 11. and 21. notes; he (Mr. Huskisson) agreed that it would be desirable that the currency should be rested on a firm and secure basis. For himself, he was bound to confess that he entirely differed from his late friend, Mr. Ricardo, as to the basis upon which the currency of the country ought to rest; and he believed that if that gentleman, ingenious as he was, had been the sole director of the bank of England, the country would, before this moment, have witnessed the stoppage of that establishment. He had paid some attention to the subject of currency generally, bestowed some labour upon it, and he thought that Mr. Ricardo's view had been wrong; and, while he was upon the subject, he might as well at once observe, that he should be glad to pursue, and would pursue, some further inquiry, perhaps before the board over which he had the honour to preside, into the best mode of improving the suggestion thrown out by the hon. member (Mr. Baring); and introducing, in some shape or other, silver as a legal tender, so as to give an additional security to the country—as far as human prudence and foresight could go to give security—against being again placed in the dangerous predicament of even a temporary suspension of cash payments (hear, hear). There was very little more which he had to address in the house; but upon one point a few words should be said in his own justification, and in justification of those with whom he had acted. An hon. member had said, in rather sweeping terms, that for much of the late wild specula-



tion which had been carrying on throughout the country, ministers were chiefly to blame. Now, the house would remember when it was that the great bulk of these speculations had commenced: it was in the spring of last year. In February last—in the very commencement of those speculations—he had used this particular expression in speaking of them—"That the lottery was a safe adventure compared with the mass of those in which persons were engaging." Again, in the month of March, speaking of the speculations, he had distinctly declared his opinion that those who had engaged in them would find themselves disappointed. Unfortunately, those to whom this advice had been addressed had disregarded all warning. They had rushed on, in contempt of all caution, to their own undoing. Although it would be irregular in him to refer to the precise terms in which Lord Liverpool had spoken upon the subject of those unfortunate speculations, yet the opinions delivered by that noble lord had neither been less unfavourable to them, nor less strongly expressed, than his own; and so far from having adopted any measures calculated to foster or assist dealings of that hazardous character, he most distinctly affirmed that Government had done every thing in its power to discourage them (loud cheering).

Mr. Gordon begged to remind the house, that the rt. hon. gent. (Mr. Huskisson) who now so fiercely attacked the 11. and 21. notes, had been, in 1822, a member of that very cabinet, which, when the members of that house were declaring that they could not pay their rent, their labourers, and their taxes, had proposed, as a remedy for the evil, that very measure which they now desired to abrogate. Now, he (Mr. Gordon) was charged with having got new lights upon the subject; that was a mistake, for it was the hon. gent. opposite whose views had been changed. He had chosen to remain in a very small minority upon the question of Mr. Peel's bill, because he thought, as he thought still, that it would be impossible to pay in gold what had been borrowed in paper; and therefore he wished ministers again to pause and reconsider the steps which they were taking, particularly as the rt. hon. gent. (Mr. Huskisson) professed himself ready to take his share of blame for the measure which he had formerly introduced. The fact was, that the rt. hon. gent. would come down three years hence, and say just the same of the measure he was now introducing, in order to obtain permission to re-issue the small notes. He was glad to hear the rt. hon. gent. speak in the terms in which he had expressed himself of country bankers; but certainly all the gentlemen who sat near him had not treated that class of individuals quite so fairly; and, in his humble opinion, so far from the present distress having arisen from the issue of 11. and 21. notes by the country banks, he thought that the country had derived great relief from that issue. The observation, too, which had been made about prerogative, seemed wholly unintelligible; for he could not perceive how the royal prerogative was a jot more endangered by a country banker's issuing a one pound than a five pound note. He greatly regretted the measure which was to reduce the circulation of the country banks; and he thought that, after the failure of near eighty of those establishments had withdrawn a million and a half of notes from circulation, any further diminution would embarrass, instead of assisting, the country.

Mr. Canning then moved that the question should be adjourned; which was agreed to; and the house adjourned at half-past twelve o'clock.

MONDAY, FEB. 13.—The order of the day for the committee on the Bank Charter and Promissory Notes acts, having been moved, the question was put, that the Speaker do leave the chair; whereupon,

Sir John Wrottesley rose to oppose the motion. He said, that before he entered more at large into the reasons why he wished to take the sense of the house upon the Speaker's leaving the chair, he would state why he had not taken this course at an earlier moment\*. There was a rational objection to such a step on Friday last; for then (properly enough) gentlemen were anxious to hear the statement of the Chancellor of the Exchequer; but at this moment the case was materially altered. All those who thought, as he did from the outset, that the project was impolitic—that the right hon. gent.'s plan was fraught with danger, ought to take their stand against it at the earliest opportunity. Upon all who entertained such opinions, he now called for support, while he resisted the motion for the Speaker's leaving the chair (hear, hear). Never was there a more important question than this, and whilst he felt the important duty of opposing it, he was never equally impressed with his own incompetency to perform that task. He knew, indeed, that there existed a great difficulty both in the house and in the country, on the point, whether this subject ought or ought not to have been brought forward at the very opening of parliament. One of his Majesty's ministers had taken credit for having introduced it into the King's Speech, and many thought that if it had not been mentioned there, it would have been started by some member of parliament, so that there was no way of avoiding the debate. He, for one, thought differently. Had the subject been left alone, the panic would have subsided, the energies of industry would have resumed their action, and the good sense of the people, when permitted to manage their own affairs, would have gradually and surely brought matters round to their proper footing; things, instead of getting worse, as they now were, would have gradually mended, and though private calamity must always attend a change of system, yet the experience of the past would have proved useful for the future, and people would have taken the best means themselves of managing their own affairs hereafter. That the question would have been incidentally mentioned in the house, he had no doubt, but then it should not have been mentioned by ministers;—there was the mischief: it was their authoritative statement which caused all the danger (hear, hear): it was that letter, that cruel letter, which he should have suspected to have been some foul copy drawn out by an awkward clerk in office, rather than a grave original, framed for transmission by the First

\* An amendment was ultimately proposed by Mr. Baring (see *post*, p. 225) to leave out the words, "the Speaker do leave the chair," in order to add the words, "it is the opinion of this house (that, in the present disturbed state of public and private credit, it is not expedient to enter upon the consideration of the banking system of the country."

Lord of the Treasury and the Chancellor of the Exchequer. One would have thought at least that a formal communication from such high quarters, and to a public body like the Bank of England, would, if it did not contain sense, have at least contained grammar (a laugh). Surely the verb should have agreed with the nominative case; any school-boy would have taken care of that (a laugh). That letter, he would repeat, was as unjust in the observations it contained, as it was ungrammatical in the terms in which it conveyed them. The first thing it averred was an accusation—a sweeping indiscriminate accusation—against all the country bankers, asserting, that they had aided, fostered, and abetted, the speculations which had proved so disastrous to public credit. Now, it was singular enough, that ministers had thought proper to send forth this accusation against almost the only monied body in the country who had not speculated during the great rage which had agitated the public mind. When a country banker found a customer drawing fast, he immediately inquired what pursuit he was engaged in, and if he found it to be one of these speculations, he first warned him of the consequences of his course, and next closed his account. This, he would repeat, was the general principle, which regulated the conduct of the country bankers. Was it not, then, cruel to turn the public eye, with the finger of official authority, towards these men, as the instigators of speculations which they had done all they could to prevent? What was the fact with respect to these speculations? They were begun and carried on where no local notes were in circulation. It was in Manchester and Liverpool that the spirit of speculation first raged in the article of cotton; where there were no country banks at all (hear, hear). The next place was the Stock Exchange of London. What country banker, he asked, circulated notes there? They had done all they could to prevent it—none had tried more to avoid it—none had done more to warn their customers against the dangerous delusion of these speculations. But ministers said, "It was we who did all in our power to warn the public against the danger." Where had they done so? He was prepared to show that they were the parties to blame, for at least a part of those difficulties. It was in the latter end of 1824 that these speculations began to show themselves in their more striking colours, and it was then that doubts arose, whether it was not necessary to pass a bill explanatory of the Bubble Act. The house knew that upon the breaking up of the celebrated South Sea Scheme, the parliament of that day enacted a law, which if put into full operation, rendered it almost impossible for any man with safety to embark in these wild schemes. In consequence of the severe penalties of the Bubble Act, many years elapsed without the appearance of any of these delusive schemes. At last, in a time of scarcity, when the public thought the bakers and millers were taking advantage of the dearth, mills of a particular construction were set up by companies to grind grain, and to bake bread on a saving scale. A case arose out of these, he believed it was that of *The King v. Webb*, in which Lord Ellenborough was called upon to revive the penalties of the Bubble Act; but that high judicial personage declined doing so, and rather put a different construction upon the law than that which was previously understood to attach

to it. Things stood in this shape till the year before last, when the Lord Chancellor expressed his dissent from the opinion of Lord Ellenborough in Webb's case. Under these circumstances, it was the duty of Government to declare what the law really was. The effect of such a declaration would have been, if not to crush, at least to restrain, these wild speculations, and so to correct the system that tended to their establishment, as to expose the parties who engaged in them to the penalties which Lord Ellenborough refrained from directing against them. Government, so far from doing this, in fact did just enough to prevent anybody else from doing any thing; for the Attorney-General brought in a bill to explain the Bubble Act, left it on the table of the house, where it remained during the whole session, leaving at the same time this spirit of speculation spreading wider every day, for which the country bankers were now so unjustly called to answer.—The next subject to which he wished to call attention was, the proposed repeal of that part of the Bank Charter act which authorized until 1833 the issuing of small notes. When would the Bank Charter expire? In 1833. When would the small country notes cease to be legally issuable? In 1833, also. The privileges of the Bank of England, and the country banks being equally sanctioned by the faith of parliament, how happened it that that faith was to be kept with the Bank and not with the country bankers (hear, hear)? Had parliament in 1822 repealed the privilege of issuing small notes, as it was intimated they meant to have done, the country bankers would have been prepared for that result; but this was not the course pursued: they were, on the contrary, entrapped and drawn into a snare, and now the whole system thus formally and definitely sanctioned, was to be reversed without the smallest valid reason for the change. It was ridiculous to talk of giving them three years time; for now that the stamping of their notes was refused, those at present in circulation were not calculated to last eighteen months, so that the bankers must at once prepare to withdraw their small paper, and make instant arrangements for cash payments. He supposed it would be contended, as indeed had already been the case, that the country banks had forfeited their claim for equal justice,—that they abused their power of circulating small notes, by the excess to which they had carried it. Well, then, let the same test be applied to the Bank of England. Could the Chancellor of the Exchequer deny, that what with the Government, and what with the Bank, the paper-circulation of the country became at one time so depreciated, that the relative value of the guinea in gold and in paper, was as 27s. or 28s. to 21s. Why not, then, if this were a valid ground for depriving a party of a charter, have not broken up the Bank privilege? But he denied the assertion that the country banks had over-issued. The country notes in circulation in 1825 were double in amount those of 1822: be it so; and he could tell the reason why. Almost all the small notes were employed in carrying on the provision trade; for general mercantile transactions were notoriously conducted through the medium of bills of exchange, the amount of which far exceeded that of all the small country notes in the kingdom: then if these notes represented, as they did, the value of these provisions, they must necessarily partake, in their amount, of the changes in the



price of the commodities for which they were exchanged. Look, then, to facts, and it would be found that the price of corn in 1825 greatly exceeded its price in 1822—in some places it was double; and the value of cattle more than doubled in the same period. This rise in the value of commodities necessarily increased the amount of the notes which were to be paid for them.—Belamented that in this discussion appeals should have been made to their feelings. He hoped he was as alive to these feelings in a proper sense as any other gentleman in that house—he who did not participate in them deserved to be called the lowest of mankind. But he would ask, had not the house already legislated for the protection of the humbler classes of society, as far as laws could secure them in this respect? In the first place, the labourer was not obliged to take the one pound note, if he did not please to do so—he could go at once and exchange it for gold at the counter of the country bank. If he wished to buy provisions, he would get the same value for his note that he would obtain for his gold, without the liability to suffer by the fraud of counterfeit or light coin. If his object were to lay by his few pounds, he could at once deposit his country notes safely and profitably in the savings' banks.—But the great difficulties which must attend the contemplated change were that the one pound notes (except in Lancashire) formed the great medium of payment by which the ordinary transactions of life were carried on throughout the kingdom. Now, he did not mean to say that the business of the country could not be carried on at all without these small notes; but he was satisfied that, were they withdrawn, a very different quantity of business would be transacted (hear, hear); and if the latter could not be transacted on the same scale, then what became of the labouring poor who must be thrown out of employment? Was there no sympathy, he asked, for the large classes who were dependent for support on manufacturing industry (hear, hear)? What medium of circulation did they propose to substitute for that which would be withdrawn by the departure of these small notes? None that he could understand. He had certainly heard a good deal of the improvement which was to arise in the banking system from this change, and that in a short time joint-stock companies would rise up in the country. He did not believe a word of it (hear, hear). They might probably have branch banks from the Bank of England in Lancashire—they might have them also in some of the manufacturing districts of Yorkshire; but in any of the other manufacturing counties such establishments were not likely to appear, unless Government granted a charter—(and this the Bank of England would take care to prevent)—or unless a parcel of adventurers were found ready to act together in the banking trade, with little or no property at stake. A pretty system this would be for the country—one which, so far from mitigating the existing evil, would greatly aggravate and extend it in every quarter.—Hoping to have the assistance of every gentleman who apprehended danger from the proposition now under consideration—a danger which was every twenty-four hours growing worse, and its progress alone capable of being stopped by an abandonment of the proposition—he reiterated his appeal to all those who thought as he did upon the question, for their support in resisting the Speaker's leaving the chair for their going into a com-

mittee; but should he stand alone in the division, still he would do his duty to the utmost of his power, in averting the evil which must follow the adoption of the present plan, and the extent of which it was impossible for any human being to foresee (hear, hear).

Mr. Alderman Thompson agreed that the present embarrassments were partly attributable to an over-issue of paper-currency, as well as to a connexion with the general spirit of speculation which had so unfortunately prevailed. He was inclined to think that the excess of this bank paper had increased all these speculations, from the superabundance of money which they threw into the market. On reference to the stamp returns for the country banks, for 1823, 1824, and 1825, the issues of their notes appeared to have doubled, as compared with the three preceding years, that of 1825 being by far the largest of all. The country banks, in this state of things, readily accommodated the manufacturer, who gave a high price in his turn; and thus, at the close of 1825, the paper circulation had been carried to a forced and unnatural height. In this state a reaction occurred, which was first visible in the failure of an extensive banker in a western district, followed by a similar occurrence in a northern; and these were attended by a general rush upon all bankers, whether solvent or otherwise. Seventy bankers either failed at once, or their paper was thrown into a state of abeyance: calculating their issues at 50,000*l.* each, which was, he believed, much under the mark, 3,500,000*l.* of the circulating medium was withdrawn in the short space of 3 months. Assuming 20,000,000*l.* to be (as had been said) the whole circulation of the country, and add to the 3,500,000*l.* already withdrawn, the additional amount of the paper money which must have disappeared in consequence of the recent shock, there would be a reduction of nearly 50 per cent. within six months in the currency of the country. At all events, he thought himself safe in assuming that there were now 6,000,000*l.* of paper-currency less than the public possessed six months ago. How was the vacuum thus created proposed to be supplied by the Chancellor of the Exchequer? He said by gold: where was this gold to be obtained? There was no way of obtaining the precious metals but by the growth of the exports: what exports had they now to provide them? Their own manufactures were not in demand on the continent, neither were the foreign commodities which they possessed: cotton was not in request abroad, nor sugar, nor coffee; in fact, none of their colonial produce. Though prices had fallen 20 per cent. business was still in a state of great stagnation. Every body acquainted with the commercial business of this great metropolis, knew, that within the last week, not one man in ten could negotiate upon the Exchange the most undeniable bill he had to offer for discount. How, then, was this new measure to operate? They all knew that the avowed intention of it, was the speedy suppression of small notes; but they equally knew, that by far the greater portion of the trade of the country was carried on through the medium of these notes, and the largest circulation of them was in the most active manufacturing districts. He could, from his own knowledge of one of these parts of the country, name one manufacturer whose total monthly payments amounted to no less than 200,000*l.* and this was chiefly paid in the one



and two pound local notes. They could easily imagine what would be the effect of withdrawing this amount of circulation from one spot of the country (hear, hear). Besides, they should remember, that notwithstanding the general want of confidence which prevailed so recently respecting these local notes, how few comparatively had failed, though the demand upon all must have been immense, from the nature and extent of the panic (hear, hear). They ought to consider whether the manufacturer was at all likely to carry on his trade if the assistance of the country banker were thus suddenly withdrawn. It might be said, that the same accommodation would be given to the solvent applicant after the resumption of cash payments as before. This he denied, for the banker would feel a very different disposition to discount the manufacturer's bills, when he had to advance the money in sovereigns, from that which he had evinced when his notes would answer the same purpose. Entertaining these opinions, he must oppose the present proposition, believing it to be one which, instead of having a beneficial tendency, was more likely to create a convulsion from one end of the country to the other (hear, hear). As to the idea of throwing open the Bank charter, in expectation of the establishment of joint stock companies, it was a mere delusion. It was a great mistake that the solvency or solidity of a bank would be measured by any estimate formed upon the number of its partners. No: the prudence and resources of a firm, rather than its numbers, would govern the opinion of its stability. Undoubtedly much good would arise if the Bank of England established branches; but, till that event occurred, it would, in his opinion, be an act of great folly in the house to curtail by measures of this sort the circulation of the country still further than late events had accomplished. To proscribe the country bank paper at the end of three years by a new law, was practically to put an end to it at once; for every banker must instantly withdraw his small notes as fast as he could. For these reasons, he felt it his duty to oppose the proposition (hear, hear).

Mr. *Leycester* differed from the two hon. members who had preceded him, upon, what he thought a mischievous anomaly, the prerogative of every man who thought proper to call himself a banker, and to issue paper-money. Only one body should be allowed in the country with so great a privilege. They had in the recent events seen some of the consequences of the conduct of country bankers, and worse might still happen, if a check were not put to the evil. He thought that a mob at the Mint was as bad as a mob at the helm of the state. The monarchical principle might be thought to be very properly extended to the issue of notes, as well as to other measures of our policy. As a friend to a sound currency, he rejoiced in the proposed measures; and the only thing he had to regret on the subject was, that they did not go far enough. Why should not the rt. hon. gent. extend the principle farther, and sweep away the 5l. notes also? The house might rely upon it, that the issues of those notes without any check, would tend to the same disastrous consequences as those which they had now to deplore from the over-issue of the smaller notes; and unless some such step was adopted, they would have the Chancellor of the Exchequer coming down to them at some future day, and making

the same confession of distress, and imploring their assistance. Better, then, do it all at once while it was in our power, and while the whole evil might be guarded against in its greatest extent. One national Bank would obviously have great advantages over the system of numerous country banks. Such a bank could regulate its issues by attending to the exchanges, and so preserve the country from the effects of a fluctuating currency. As to that part of the proposition which related to the establishment of joint-stock banking companies, he thought that over-issues would arise as well in such banks as in those of other descriptions; and in cases of bankruptcy, the situation of the poor holders would be worse than before;—they would be cut off with a shilling. With respect to the enlargement of country banks, he did not think that it was likely to take place. The substantial would not be likely to take in new partners, because they would not wish to lose so good a thing, and the unsubstantial would not, because they would be unwilling to let their real circumstances be known. But suppose that large numbers were to enter into co-partnerships as bankers. Large numbers would not necessarily produce large capital. Six men might be as rich as twenty, and the very increase of number would increase the chance of insolvency; for there was a greater chance of having a black sheep found among twenty than among six (hear, hear). Against this he knew that the banks in Scotland would be quoted; but how was it known that the success of those banks might not be imputed to local causes, and those very different from a mere extension of partnerships? Might not the cause of it be found in the national character of the Scotch for prudence and sagacity in their commercial transactions? In this country there was an universal cupidity amongst all classes of capitalists for borrowing and lending, and for lending and borrowing. All rushed precipitately into the vortex of speculation—some to undo, and others to be undone; but in none was there the same prudent foresight which marked the money-transactions of Scotland. He had no reliance upon this part of the plan.

Mr. *T. Wilson* said, that he did not view this question as a party man: he merely looked at it as a representative for the city of London, who was in the habit of hearing, day after day, of the ruin and distress in which so many of our merchants, manufacturers, and traders were involved. It was his wish to see, if possible, in the measure before the house, some remedy for those distresses—some palliative of the evils—something which would have the effect of restoring confidence; but he confessed that turn it which way he would, he could find none (hear, hear). He would say that the first step would be, if possible, to restore confidence. This was not to be done by force. People were not to be dragooned into confidence. The milder means taken to ensure such a result, the more effectual would they prove. On the situation of the country, and the remedy most effectual for restoring a sound state of currency, he entirely concurred in the views of the hon. member for Taunton (Mr. Baring). One part of his speech which he thought particularly deserving of attention, was that which was relating to a mixed currency. Why not, he would ask, as we had such large importations of silver from South America, bring it into circulation as a part of our currency, instead of being obliged



to purchase sovereigns at a premium of one and a half per cent.; or, what was the same, to purchase them by Bank paper, while the bullion of the Bank was uselessly hoarded up? Its issues of paper were thus increased, and the country injured by it, when if the plan of the hon. member was adopted, we might have the two currencies together. One word as to an argument used in support of the present plan. It was urged, that if we did not come to the consideration of the evils of paper issues when in a state of suffering, we could not be induced to do so in a flourishing condition of our trade and commerce. This was the argument of the right hon. gent. (the Chancellor of the Exchequer). The argument was an extraordinary one. He would contend, on the contrary, that the proper period for an alteration would be one of prosperity. The remedy which he would propose would be to let the issue of our small notes alone, and to take security to the extent of the issues (hear, hear). To the substantial banker, this could be no inconvenience. That security would tend to his own advantage; because the greatest danger of panic and alarm in times of distress arose from the holders of the small notes. These were found, in most cases, to begin the run, and the alarm they created extended itself to the holders of large notes; but if the payment of the former was secured, such a danger would be altogether prevented. He would not press on the attention of the house farther. The sum of all his remarks was this—that the proposition of the right hon. gent. (the Chancellor of the Exchequer) would be ineffectual; that instead of allaying, it would tend to increase the alarm; that it had already been productive of some, and would be productive of still greater mischief.

Mr. John Smith admitted that this question was one of considerable difficulties; but after having heard the speeches of some gentlemen on that and the former night, he must say that the difficulties which he had felt were removed, and he was now prepared to vote with Government in support of the proposition before the house (hear, hear). Before he entered upon the general question, he must say a few words as to what fell from an hon. member (Mr. Leycester) who had condemned the issue of paper *en masse*. He did not mean to justify the issues of paper, more particularly the small notes, to the extent to which they had been carried; but he would appeal to the experience of all who were acquainted with our manufacturing districts, whether the issue of notes in those districts had not had a most powerful and vivifying effect upon industry. On the other hand, he could not agree with an hon. bart. (Sir J. Wrottesley) who had said, that with reference to the one-pound notes, the labourer, or small trader, had the option of taking or refusing them, and that having taken them he might at once go to the bank and demand gold or Bank of England paper in payment. The labourer or small trader dared not in general refuse those notes when tendered to him. It was well known, that in the country towns the bankers were for the most part men of some influence—that they were magistrates of the county. It was also well known that their notes were the chief if not almost the only circulating medium in the particular town or district. If the labourer or tradesman had no fears of any ill effects from the banker or his friends, a motive of self-interest would induce him to take those notes, for

there were few or none others offered in payment. So that in fact he had no option but to take, and he dared not refuse—except perhaps in a period of general panic, when such motives as he had alluded to would not affect him, and when he would be governed by his fears alone (hear, hear). He had long been of opinion that this species of circulation had been productive of great injury to the poorer classes—an injury, the nature of which no man could contemplate without the most painful emotions. For what was the effect of the present small note bill? It was, that any man, whether possessed of property or not, who took out a banker's licence, could issue 11. and 21. notes; and there were instances known of persons who had taken out such licences, and become bankers, for no other purpose but that they might be able to issue notes to pay their own workmen (hear, hear). In proof of this he could refer to what occurred in 1815 and 1816, and it would be found, on inquiry, that numbers of individuals had taken out licences as country bankers who were so in no other sense of the word than that which he had described, and for the reasons which he had stated.—He would now say a word on a topic on which several hon. members had addressed the house—he meant the correspondence between ministers and the Bank of England. If he might use a common mode of expression, he would say he would lay a wager that the rt. hon. gent. (Mr. Huskisson) had nothing to do with the drawing up of the long statement sent to the Bank. He was certain that the right hon. gent., who understood the state of commerce as well as or better than any other man in the country, could have had nothing to do with the production of that document which betrayed so great an ignorance of the real state of the country, or at least the cause of part of the present distresses. In the second paragraph of that paper, blame was laid in very plain language on the country banks, as being the causes of all the speculations which they had seen in the course of the last year. What, he asked, had they done to merit so serious a charge? He most distinctly denied the fact; and he could say, for he knew it, that the respectable bankers of Manchester and Liverpool had given no encouragement to the speculations which had taken place in those towns. In those speculations which had made us the laughing-stock of other countries, and of each other, the banks had nothing to do. It was not fair then to hold up the country bankers, at such a crisis as the present, when their credit might be seriously endangered by the fact, as the authors or abettors of the evils which had come upon the country from a mischievous system of speculation.—Much had been said both for and against the expediency of a single standard. He could not understand the opinion of those who so confidently advocated the expediency of gold, to the exclusion of a silver standard. All other nations in Europe were satisfied with both. It would be no difficult matter at present; at least it would in a short time be easy to obtain silver in considerable quantities. He would observe, that country bankers were not fond of issues of silver, not because they preferred the circulation of their own notes, but because they were very much annoyed by the extensive circulation of counterfeit coin; and this evil was, in a great measure, caused by the imperfect state of our criminal code on the subject. Of this he would state an instance. Some



time ago certain persons were going about with an immense quantity of counterfeit coin. It was carried in a cart with a false bottom, and disposed of at fairs and markets, to the great injury of thousands of the poor, on whom the loss in such cases generally fell most severely. They were at length detected, and about 2500 pieces of counterfeit coin were found in their possession. They were tried and found guilty, and sentenced to only twelve months' imprisonment. This punishment, for a crime involving such serious evils in a moral and political view, was, as the house would admit, wholly inadequate; and unless the law in this respect were altered, it could not be expected that the evil would cease, should silver form a part of our currency as well as gold. He might add, that the very beautiful coin of crown pieces, which was some time ago in circulation, had not been counterfeited in any one instance that he had ever heard of. The reason was, that this coin had an inscription round the edge, which it was extremely difficult to imitate. He mentioned this with a view of encouraging an attempt to re-introduce that coin into circulation, and at the same time he would suggest the propriety of extending the legal tender of silver from 40s. to 5l., which would have the effect of producing a considerable circulation of silver. That this was wanted in many parts of the country, was well known. It was within his own knowledge that within the last fortnight silver was so scarce in a manufacturing town, that a great many of the workmen were paid by orders on publicans and others who supplied articles of food and drink—a mode of paying the wages of labour, the injurious tendency of which on the morals of the workmen it was unnecessary to point out.—Considering the present state of the country, he thought it was most important that the house should bring the question before them to an issue. The state of doubt and anxiety in which the public mind was placed, with respect to it, was almost incredible. Various reports were going forth as to what was passing and what was intended. He had heard that day, that it was reported and believed in several parts of the country, that the 1l. notes were to be altogether suppressed, and there were a variety of other rumours calculated to add to the degree of alarm already existing. These doubts and surmises, he hoped, would be put an end to by the decision of that night (hear, hear).

Mr. C. Grant was glad to perceive that there were no objections to the merits of the proposed plan (hear, hear). The chief that he had heard were as to the time. One hon. member said that, at such a crisis as the present, it ought not to be introduced; and another objected to its not having been introduced before. Another gent. feared that it would have the effect of an inconvenient diminution of the circulating medium. He did not concur in these opinions. He thought the time was proper; and under the circumstances in which the country was placed, he thought that ministers would be shrinking from their duty if they did not endeavour to grapple with the difficulties of the case as well as they were able. Sensibility for the distress which existed, they all felt; but true sensibility was that which, while it felt the evil, endeavoured at the same time to devise some means by which it might be averted. It was on this ground that he was anxious for the progress of this measure. They all acknowledged that great distress had existed; but it could not be denied

that their situation was becoming better every day; and he hoped that, in a short time, public confidence would be altogether restored. But it was always found, that in recovering from a state of great and sudden depression, the country rose with even greater rapidity than it had descended. What would be the consequence of the sudden change? The spirit of speculation would again take possession of men's minds, over-trading would follow, and depression would once more be the result. Now he would ask, was it not the duty of the legislature to guard against such frequent and sudden revulsions in our system—to prevent the over-trading of one period, from being the consequence of too sudden an ebb of our commerce in the succeeding? And what more effectual course could be adopted than by removing at once the temptation to such over-trading, by taking away the unsound basis on which it rested? An hon. member (Mr. T. Wilson) had complained that this measure would not meet the evil. This was because the hon. member had not looked to what was the real object proposed. It was never expected that the plan now before the house would of itself relieve the immediate distresses of the country. Neither was it expected that it should embrace every improvement of which the state of our currency was susceptible. Let the house judge of it, then, only by what it proposed to effect, and not by applying it to matters to which it was not intended to have, and really could not have, any direct application. It was totally foreign, for instance, to the suggestions thrown out by an hon. member (Mr. Baring), on the subject of a double standard. That plan, he might observe, had for some time been under the consideration of ministers; but that was a matter which should be left for discussion on a more fit occasion, and would be introduced by his rt. hon. friend (the Chancellor of the Exchequer) in its proper time. Neither was it hoped that this resolution would effectually guard the country against those fluctuations in both species of currency, to which the country might, from a variety of causes, be liable in the best of times. These were matters which could not be foreseen or prevented by any human prudence; and when they did occur, must be left to remedies which would be suggested by the circumstance under which they arose. The measure before them did not profess to deal with every evil which might arise in the state of the currency. Its object was simply this—to prevent the ruinous effects of a system of over-trading, to which temptations would be held out under particular states of our currency, if left unchecked. It had been said, that there was a tendency in every species of paper currency to displace gold, unless its progress should be arrested by some check; and the great problem was to provide some check which would operate by way of prevention rather than cure. One hon. member seemed to think that the convertibility of paper into gold on demand, would afford this desirable check. In that opinion the hon. member concurred with many eminent men, including the members of the bullion committee. This, perhaps, was the general opinion at that time, but it must be admitted that the science of political economy was still almost in its infancy, and further investigations were daily throwing some new light on the subject; and we were as yet in a state of experiment with respect to it, as compared with what we might be



in the course of some future time. There were some who thought that there was a kind of preventive check to the displacing of gold, by which the approach of the evil might be known; and the rate of exchange as regulated by our issues of paper, was said to be of that description; but this would operate so tardily as to admit of the evil going to a great extent before it operated as a remedy. Besides, the opinions of those by whose will paper issues were regulated, might differ as to the effect of those issues on the rate of exchange; or they might think that they had a sufficient quantity of gold in their coffers to allow them to continue those issues longer. He could easily conceive how, under such circumstances, the rate of exchange against us might be allowed to proceed to a very injurious extent before the remedy was called into effective operation. Some hon. gents. had, the other evening, given it as their opinion, that the present state of things had been brought about by over-issues: others had attributed them to over-trading. For his part, he conceived that both these causes had operated simultaneously; that, in fact, over-trading had created over-issues, and over-issues had, in turn, created over-trading. It was clear, then, from what had occurred, that the check provided by the convertibility of notes into gold, operated so tardily as to be inadequate to avert the evil; and it ought to be the leading principle in every sound currency, to provide the means of arresting the evil before it arrived at the highest. In this alternate state of depression and elevation, what were the circumstances which aggravated the evil? One was, that the persons who generally held the small notes were the bulk of the population, who were, of course, the most liable to panic, and from whose minds the panic, when once formed, was the most difficult to be removed. Another of the causes was, that the quantity of gold in circulation was gradually reduced to a point far below that which was adequate to the emergencies of the country. Now, if they could meet these two circumstances—if they could secure the great bulk of the consumers from panic, and ensure a fund of gold in the kingdom, sufficient to maintain public confidence—great progress would be made towards diminishing the frequency of the recurrence of the existing distress; and when it did recur, of abating its violence (hear, hear). If he were not mistaken, the proposed measure, if carried into effect, would introduce into our system of currency this corrective and renovating principle—it would remove the apprehensions of that class of the people who were most obnoxious to danger, and would create and maintain a fund of gold in the country, so palpable, that even should a panic seize the lower classes, the better-informed ranks of the community would know there was sufficient gold in the kingdom to meet all exigencies, and would thus prevent those alternations which were now so ruinous in their operation. He believed it had been urged against the adoption of the present measure, that it would be an arbitrary interference by the legislature with what they had no right to interfere in at all; but if the question were to be decided by authorities, there were very high names in support of such a measure. A distinguished individual (Mr. Ricardo) indeed had been against it; but had he lived in the present times, there could be little doubt but that he would have seen reason to have changed his

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opinion. Adam Smith was in support of it; for he had laid it down as a maxim, that the best state of currency was that where the circulating medium between the dealer and consumer was gold, and that between dealer and dealer paper. It had also been supported by the bullion committee, the very able chairman of which, the late Mr. Horner, although in early life he was opposed to it, at a later period, and when his judgment had been more matured by reflection and experience, was fully convinced of its beneficial tendency. Mr. Tooke also was in favour of it, and another rt. hon. person (Mr. Huskisson), whose capability of judging on the present question was universally acknowledged, but whose presence prevented him from alluding to him by name. Besides, this principle had already been recognized and acted upon by the legislature; for at one time ten shilling, indeed five shilling notes, were in circulation in Scotland; but these had been put a stop to by act of parliament. Should there, then, be any insuperable objection on the ground of arbitrary interference on the part of the legislature in the present case, such objection ought to have had equal weight when the act for suppressing the circulation of these ten and five shilling notes was proposed. The United States bank, which had had considerable experience in these matters, had been obliged to have recourse to a similar measure of restriction. It had been urged in opposition to this measure, that it would have the effect of reducing prices to too low an ebb, and that in the present artificial state of the country, and burdened as we were with debt and taxes, it would render our finances insufficient to meet our exigencies. For his part, he anticipated no such calamitous consequences: we had only to place our currency on a firm and solid basis; we should thereby speedily restore confidence, and the industry, wealth, and resources of the country would instantly be called forth, and very shortly disperse the cloud which at present hung over us; whereas, should we continue to go on in the old system, the alarm would increase, and, increasing, necessarily bring fresh misery along with it. Public credit, instead of recovering, would sustain a fresh shock, and there was no knowing where the evil might ultimately end. For these reasons he should give his hearty support to the resolution of his rt. hon. friend (loud cheers).

Sir John Newport said, that the present system of banking was equally dangerous to bankers and their customers: it induced the former to issue notes beyond their capital, and thereby left them at the mercy of every individual who, either through fear or malevolence, might raise an alarm against them. It had been contended, that in the present state of our affairs, the commerce of the country could not be carried on, at least not to its present extent, without having recourse to this species of circulating medium. For his own part, he did not at all believe that this was the case; but even if it were, it would be much better that this extra portion of commerce should be sacrificed, than that the present pernicious system of banking should be suffered to continue. The present was as favourable an opportunity as could possibly occur for carrying this important and most desirable measure into execution; for the recent alarm had already withdrawn the greater portion of these notes from circulation, so that their object was already more than half

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accomplished. He begged pardon for having claimed their attention, but from the situation in which he had been placed, he considered it his duty, and thought it would be expected of him that he should state his opinion on this question.

Mr. Alderman *Heygate* said, that the present question was not whether this was a prudent or an imprudent measure, but whether this was the proper time for interfering with the most delicate of all things—the currency of the country. Nothing lately had caused more astonishment in his mind, than the first sentence in the letter recently sent by the first Lord of the Treasury to the Bank, in which he found it boldly stated that the panic was over, and that the pecuniary affairs of the country were once more flowing from their wholesome and accustomed sources, and running through their wonted channels. Could any man say that things had reverted to their usual course, when they heard daily of failures and distresses in every part of the country? Could any man say that the panic had subsided, when even the securities of the state, the *rt. hon. gent.'s* Exchequer-bills, were at 12s. discount? Was that the time for agitating new-fangled questions of political economy, or for listening to the suggestions of a set of dry philosophers, who did not care at what cost of misery or distress their experiments were tried upon the country (hear, hear). Whatever might have been the state of things before, ever since these new and high-sounding doctrines had been brought forward, the panic and the distress had been visibly on the increase. At the opening of parliament, confidence had been nearly restored. The exchanges were turning as much in favour of this country as the most rigid *Bullionist* could possibly desire. Gold was pouring in as fast, and perhaps even faster, than it was required. But at the present moment the currency of the country was not sufficient, and in consequence of such insufficiency, there was a stagnation in all kinds of business. Ought the currency, then, at this critical period to be still further diminished? Was it wise in the Government, when such was the state of the pecuniary affairs of the country, to issue a manifesto to the Bank of England reflecting on all the country bankers in the kingdom, and to threaten to compel them to withdraw their 11. and 21. notes from circulation, in direct violation of the understanding in 1823? He was no advocate for the country bankers, or the system of banking which had prevailed for the last fifty years, to the disgrace of the country: there could be no doubt that a metallic was much preferable to a paper currency, and yet this latter currency had been strongly recommended by Mr. Pitt, in 1797; but he must say that much obloquy had been cast on country bankers when they were not the parties who deserved it. This class of individuals had never generally objected to the plan of giving deposits as a security for their notes: the dislike to this measure amongst the more numerous and respectable portion of them arose solely from the clumsy mode in which it was proposed to be effected. If it had been proposed in a practicable manner, there would have been no difficulty in effecting it. This question had been treated on far too narrow grounds: it had been discussed as if it merely related to the profits of the bankers, whereas it concerned the whole nation. It should have been well considered whether the country

could at present afford to provide eight or ten millions of bullion to supply the paper currency, which had and would be withdrawn from circulation to that amount. He believed several theorists, who had written books on this subject, had stated that it might be done, and that it would be a beneficial measure. For his own part, he did not understand much of political economy (laughter), which, he confessed was a matter of some difficulty (laughter): but when he considered that Mr. Tooke, who was a great man amongst them now in the science, as it was called, differed from Mr. Ricardo, who had left a great name behind him; and then when he saw a Mr. McCulloch, who had descended from heaven to set right the opinions of both (great laughter), and that no man among them seemed to be of the same opinion with another, but that they spent their whole time in writing books to contradict the best established positions of their contemporaries—he could not but feel some distrust of their knowledge. Should this resolution be passed—and he had no doubt it would be—the blessed effects of it would soon begin to discover themselves: but it would ill become hon. gentlemen, who were now receiving the speeches of ministers with cheers, hereafter to complain of them. He made this observation because he had known such circumstances occur more than once in that house. He had seen the same landed interest, who passed, with the most triumphant cheers, the bill for returning to a gold currency in 1819, turn about only two years after, and actually bully the Government into the enacting of a law for the issuing of those small country notes (hear, hear). Let those who now wished to get rid of that bill take care; for he would say, that if the bill was repealed, the time would come when the right hon. gents. opposite would not hold their seats by such an agreeable tenure as at present. To be sure, they had the sweet, and they must take the bitter when it came. If that were all, it would not matter much (laughter); but the labourer, the farmer, the mechanic, and the manufacturer, would be the victims of that short-sighted policy as well as the right hon. gents. (hear, hear). What had been the conduct of the ministry on this occasion? When Parliament had been sitting the day before, and the day after, they sent forth a decree, declaring that no more stamps should be issued for small notes; thereby disregarding the licence of the bankers, breaking the law, and violating the principles of the constitution. When Mr. Pitt took upon himself to act without the authority of parliament, it was upon some urgent necessity, and during the recess of parliament; but as soon as ever the house re-assembled, he came before it to explain the circumstances and to pray for an indemnity. But what was the urgent necessity for the present extraordinary proceeding? Why, forsooth, to prevent the direful consequences which would have ensued from a few bankers issuing two or three thousand one or two pound notes. To avoid this dreadful disaster, individuals had been deprived of their legal rights, and the constitution of the country grossly violated. He would wish any practical man, he did not mean one of those gentlemen who wrote books, to be asked what were likely to be the effects of this resolution? It was evident that it must compel the immediate withdrawing from circulation of all the country bankers' notes. Did Government



know the consequences which were entailed on the community at present by the refusal of discount, they would hesitate before they further curtailed the currency. He had seen a letter from Lancashire, giving a deplorable picture of the state of that part of the country, where he remembered there were no banks issuing notes (hear, hear). Trade was there said to be at a stand—robberies frequent, failures every day, and the distrust every man had of his neighbour, beyond all conception. Thirty families in one week had been consigned to the workhouse, making at four in a family 120 persons. And yet this was the time when it was thought proper to lessen the circulation of the country banks. He had supported ministers on many occasions when they were not very popular (laughter). He meant, he had supported them when a vote was worth something (loud laughter). He had never received anything for this, neither money nor place; but he had voted with them when he thought them right. He differed from them now; and yet he had seen the propositions of the Chancellor of the Exchequer and the President of the Board of Trade cheered by the bitterest enemies of administration. If the right hon. gent. had 40 or 50 joint-stock banks ready to come into immediate operation, so as at once to fill up the void which would be created by the destruction of all the country bankers, he should not feel such decisive objections to the measure; for although it might bear very hard upon, and be most unjust to, a single unoffending class of individuals, still it would not be injurious to the public at large, as it would make little difference to them whether they got their supplies from an individual or a joint stock bank. But it must be recollected, that a considerable interval must necessarily elapse before these joint banks could commence their operations, and what was to be done in the meantime? During this interval, the embarrassments of the country must inevitably be increased to ten times the extent that they prevailed in even at present, though it was now most deplorable. They had, moreover, very little reason to consider joint stock companies with a favourable eye. The Irish joint banking company shares, about which so much had been said, and upon whose shares, 10l. premium had been paid, were now at 6l. discount. But suppose they should succeed, what would be the consequence? Why they would deluge the country with the very paper which ministers wished to repress. America might teach them something on the subject of such establishments. There, banks of joint stock swarmed in every province, and yet it was no uncommon thing for them to fail, and the paper of one province was frequently at a discount of 7 or 8 per cent. in the next. Their establishment, too, would have the effect of causing all the respectable portion of the present country bankers to give up their business, and those only would remain to whom the winding up of their accounts would be formidable. At any rate, if this joint stock plan was to be adopted, it would be but fair that the present country banks should have due notice, and a proper period allowed them before these companies should be permitted to commence their operations. The country banks deserved protection; for there were other parties, besides them, to whom the recent convulsions in the commercial world ought to be attributed, although it was not impolitic in Government,

when it had once got into the scrape, to attribute that misfortune to those who, from their situation, were incapacitated from saying much for themselves. What, he would ask, were the chief causes of the distress which now prevailed? He had no hesitation in saying, that one of the causes of the late panic was produced by the operation of Mr. Peel's bill. It was the fashion at the time to praise that bill in the highest terms of panegyric. Now, it was his opinion at the moment of passing it—and he had acted upon that opinion by forming one of the minority of 23 who had divided against it—that it was one of the most hasty measures of legislation that had ever been passed by any grave deliberative assembly. It was ushered into the house by a speech, to which he had listened with delight and attention—for refinement and eloquence always commanded them—but which dealt in many topics which had no connexion with the subject matter of debate, and utterly neglected those which bore upon it. They were told that they were then returning to a reformation of the coinage equal to that which had been effected in the reign of Queen Elizabeth. But, though such was the language then held out to them, not one word was said about the 800,000,000l. of debt under which the country now laboured, all of which was unknown to Queen Elizabeth (a laugh);—nor one word about its immense load of taxation, its exchequer bills, its navy bills, its treasury bills, and its various other bills, of which Queen Elizabeth had not the faintest idea (laughter and cheers). It was said that other nations, and especially France, had a currency of gold and silver; and it was thereupon asked, why this country should not have a similar currency? The reason was evident. We had spent our money; France had not. In 1793, we had engaged in a war, which was called just and necessary, but which he was not certain that he should have supported had he been in parliament; and we had subsidized, during its continuance, every power in Europe to fight our battles against the French republic. We had sent our gold out of the country, day after day, notwithstanding the warnings which the Bank had given to Mr. Pitt, of the evil which it most eventually occasioned. Mr. Pitt had said that it was no matter, as it was absolutely necessary to save the country from the dangers which environed it. In the meanwhile, what was the conduct of France? Her governors were making her friends, at one time, and her foes, at another, defray the amount of her war expenditure. Her armies were plundering, in turn, every country which they visited, and were bringing back gold in enormous quantities. The peace which followed, found us in that state of embarrassment which was the necessary consequence of a protracted war prosecuted in the manner he had stated. Whilst we were yet smarting under this distress, the resolutions of the rt. hon. sec. (Peel) were carried, as if pompous representations could have freed us from the difficulties that encompassed us. The rt. hon. sec. would have us act like a man who inherited 5000l. a year, and having spent more than his income, ought to have reduced his establishment to 500l., but instead of doing so, was determined to live on as he had done. The rt. hon. gent. was determined we should go on with gold, without duly weighing the means that were within our reach. If the bill of 1819 had been accompanied with the plan



—the very sensible plan—recommended by Mr. Ricardo, whose opinions had always great importance attached to them in that house, namely, that the Bank should pay only in bars of gold—then the panic would not have arisen. Persons would not have been running with their pound notes to have them exchanged for sovereigns: the exchange of paper for gold would have been confined to persons who knew the real value of gold, to those who knew that gold was dearer in Paris than in London, who would know where to apply for ingots, and how to dispose of them. If this qualification had been introduced into the bill, it would have been a comparatively safe measure (hear, hear). At that period he had recommended that silver should be the standard of our currency as well as gold. The proposition was at the time, universally laughed at. But he was disposed to believe that there was some reason in what he then said, as an hon. member (Mr. Baring), who was an authority upon this subject, strongly enforced the propriety of recurring to a mixed currency. Whilst gold remained the sole standard, by allowing it to be legally exported, the standard was practically raised. This contracted the circulating medium, and caused prices to fluctuate according to the quantity of gold in the country; whereas, if the currency was a mixed one of gold and silver, the evil of a quantity of gold being removed out of the country would not be so suddenly and sensibly felt; and by the accession of new bullion, greater facilities would be afforded to the metallic currency we had thought proper to adopt. These opinions were urged at the time of passing this bill, but they were then treated with ridicule and contempt. "Oh no!" said the Government, "we will give you something better! we will introduce and establish a more perfect standard of currency;" and they determined upon gold, and gold alone. The country was assured that the new measure would form the basis of permanent prosperity; and certainly that prosperity continued till last year. But then an alteration took place; and what produced it? Not the issue of country bank notes; for the difference in the amount of them was but trifling, and even that difference, such as it was, was ascertained from the most fallacious of all criterions—the number of stamps issued. It was impossible, in the first place, to know how long the notes of bankers circulated; and then nothing varied so much as the number of stamps taken out by them at different periods. In seasons of adversity, when the circulation was diminished, a banker had not occasion for new stamps; but in seasons of prosperity, when his notes were in demand, he was obliged to take out a multitude of fresh stamps. But suppose that the country bankers had increased their circulation to the amount stated, they had an excuse for what they did, because they did not know that they were doing wrong. The Bank of England had likewise increased its issues, and as he thought unwisely and improperly; for the quantity of paper in circulation had certainly an effect on the exchanges, though not to the extent which the bullionists contended. But with regard to the increased issues of the Bank, Government had seen them, and had not remonstrated against them; at least he inferred so from the fact of their having made considerable use of them. They sold to the Bank the dead weight as it was called, and by so doing gave the Bank an opportunity for sending forth

an additional issue. Why had the Government resorted to that scheme? Because a cry had been raised throughout the country against the weight of taxation by which it was oppressed, and they saw no other way of getting rid of it. It was his opinion that the public had received considerable benefit from the Bank issue. It had led to a reduction of some of the assessed taxes, and also to converting the 5 per cent. stock into 4 per cent. stock, and the 4 per cent. stock into 3½ per cent. stock. There was some sense in this argument (laughter). The house would further observe that Government had entertained some fear that it would not be able to pay the dissentients to their plan of reducing the different stocks, and had therefore asked the Bank to pay them. The Bank, he believed, had done so to the amount of six millions, which occasioned another extensive issue. The house would likewise observe that Government reduced the interest on Exchequer-bills to 2½ per cent.—a circumstance which, combined with the issues of the Bank, had driven all the gold out of the country. All persons who held these bills during the war, when they found that they could no longer receive the high rate of interest which they had formerly received upon them, engaged in foreign loans, and risked their capitals in the various wild projects which rose up one after the other with unexampled rapidity. He recollected, that at the time when all these reductions were effecting, the rt. hon. gent. was holding out to the country, that the prosperity of which he boasted so much was founded on a substantial basis. That declaration, coming from so high a quarter, had excited a confidence which would not otherwise have existed among the dealers in shares. The repeal of the Bubble act increased that confidence, as did the vote which two or three of the ministers gave in favour of some of the new companies. The conduct of ministers in voting for such measures was very reprehensible, and the remarks which so humble an individual as himself had made upon the subject, had had the effect of driving the rt. hon. Sec. for Foreign Affairs out of the house (a laugh). That confidence was still farther augmented by the circumstance of the rt. hon. gent. (Mr. Huskisson) having become president of a company for the breeding of silk-worms—very innocently, he had no doubt, and without any interested motives—and by the daily announcement in the newspapers that several of the ministers patronized other schemes for the improvement of national resources. Conduct like this could not fail to produce an effect upon the country; and he therefore thought, that when they were discussing the cause of the present difficulties, and were laying all the blame of them on the country bankers, they ought to reserve a little share of it for those who had not turned the mind of the public in a proper direction, when they were enabled to do so by their talents, their eloquence, and their information. As to the security which banks should be obliged to give, he thought it sufficient either that they should be obliged to pay in gold, or that they should give a solid security for the amount of their small notes. But whatever change in the banking system might be introduced, it ought not to be introduced hastily. The question was, in a great degree, one of time. There was no occasion for hurry; delay would do good, and precipitation would certainly occasion mischief. If the house would let it go forth to the country that it was not at



employed in manufactures; but the evil of the system was felt in a different, though not in a less severe shape by the agricultural labourer. He did not know whether the committee which had been presided over by the noble lord (Lord John Russell) had gone very deeply into this subject: but, for his own part, he was satisfied that the payment of agricultural labourers rested upon as unsatisfactory grounds as possible. He would not take upon him to say in what respect this should be altered, because the subject required a more serious consideration than he was at this moment prepared to give to it; but he was quite sure that a system could not be sound or politic under which a man in perfect health and strength was unable to earn a sufficient sum for the support of himself and his family (hear, hear). Without, therefore, going into the causes of this state of things, he was quite convinced that the restoration of the circulation of the country to something like its ancient standard, would have the effect of permanently ameliorating the condition of the labouring classes of every description. It was upon them that the distress produced by the recent failures had fallen most heavily. The man who had 500*l.* or 1000*l.* of country bank-notes, could afford to wait until the affairs should be wound up, or the dividend paid. It was not so with the poor man, who held a 5*l.*, a 3*l.*, or a 2*l.* note. To him to wait would be to lose the money altogether; the inconvenience to which he was exposed, the expense of proving his debt, and other obstacles which such a failure always produced, were fatal to his claim; and he who was most in want of compensation was often the only one who did not receive it. Perhaps he (Mr. Peel) was induced to dwell on this subject, in consequence of the impression which had been made on him by the scenes of distress he had witnessed from the failure of the banks in Ireland. He verily believed that the history of no country could display instances of more aggravated suffering than those which he had himself seen in the province of Connaught. The breaking of Lord Ffrench's bank alone produced in that part of the country which was most intimately connected with it, more poverty, and more of that misery and crime which spring from poverty, than any other event within his recollection. Any plan, therefore, which would enable the country to get rid for the future of these disastrous results, should receive the countenance of the house. Having thus stated the reasons which satisfied him that the present system had a positive tendency, at some times, to increase that spirit of speculation which ran to so mad a height, and at others to make the languor which prevailed still more debilitating, he would proceed to consider whether the remedy proposed by his *rt. hon.* friend would prove effectual; and further, whether this was the proper time at which it should be applied. The last topic seemed to require no less consideration than the former; because, as an *hon. member* (Mr. Baring) said on a former evening, an operation might be necessary, but the moment for performing it must depend upon the nature of the danger. He was first led to examine the objection which had been alleged against the principle of the joint-stock banks, proposed by his *rt. hon.* friend; namely, that persons would not be found willing to risk their property in such experiments, and that the people in general

would not place sufficient confidence in those by whom the new establishments would be managed. He believed that gentlemen of property would be found, many more than enough to execute the proposed plan, who would be actuated not by the mere desire of profit, but by the wish to see a better, firmer, and more useful system of banking in their districts, and that they would lend the assistance of their capital and their exertions to ensure the success of such establishments. He hoped and most sincerely trusted, that the great obstacle to the proposed institutions, the want of a charter, would be removed. He hoped that the directors of the Bank of England would seriously consider whether any great advantage could result to themselves from the absence of a charter in the proposed establishments; and whether, on the other hand, great advantages would not be experienced by the country from their having that facility afforded to them (hear, hear). He declared that he could see no one advantage which the directors of the Bank of England could derive from the refusal to grant charters to country banking establishments. It was unquestionable that they had the right to refuse the grant if they chose; but he trusted that they would refrain from exercising that right (hear, hear). Having had occasion to mention the directors of the Bank of England, he would add that the conduct they had displayed during the recent crisis had increased the respect which he had before entertained for them. They had been placed in a most difficult situation; they had to perform an arduous and a double duty—to act at once for the advantage of the country, and for the protection of the interests of those persons who were more immediately connected with them. He could not conceive it possible for any body of men to have acted better, or to have exercised more judgment and liberality than the directors of the Bank of England (cheers). He wished that they would give one further instance of liberality by waving their right to withhold from the proposed establishments the charter which they would require. There would then be none of that want of confidence which had been anticipated; and the extended scale upon which the new banks would be established, would satisfy persons of their security, and they would not hesitate to give the direction of them to persons who would be chosen by themselves (hear, hear). This, he thought, would furnish a complete answer to the objections which had been raised as to the want of confidence. The success of such institutions was sufficiently shown by the example of Scotland, where they had subsisted for so many years, and of Ireland, where two banks of this nature had been established since the passing of the act of last session, and which presented every prospect of success.—He now came to the conclusion of his *rt. hon.* friend, in which he concurred,—that it would be impossible to maintain the circulation of 1*l.* and 2*l.* notes, together with a metallic currency (hear, hear). There could be no security till this system was altered, and a gold currency established. He had always thought that Mr. Ricardo had underestimated the amount of gold which was requisite to maintain a healthy currency. On the other hand, he was not inclined, as had been said by an *hon. member*, to saturate the country with gold. The *hon. member* (Mr. Baring) had overrated the currency in stating it at thirty or



forty millions. Whatever it might be, he had no fears of their being able to find gold enough to conduct all their ordinary affairs. What was wanted, was a supply of gold to make up for the country bank-notes. An hon. member had said, that it was impossible to ascertain the actual number of country notes in circulation, because all the returns that had been made were fallacious. Upon this point the hon. member's opinion differed from that of another hon. member (Mr. J. Smith), who had stated in his evidence before a committee of the house that the average circulation of country bank-notes was three years. The smaller notes the hon. member thought were usually in circulation about two years and a half, and the 5l. and 10l. notes somewhat longer; so that the average might perhaps be taken pretty accurately at three years: and the evidence of all the country bankers, and of the engravers of the notes who had been examined, confirmed this estimate. In the last three years, from the number of notes stamped, it appeared that the amount of the circulation had been 7,600,000l. This was the maximum as it appeared from the stamp-office returns; but no deduction was made for that proportion of the circulation which was always in the banker's own coffers. Every banker had frequently a considerable amount of the notes of other country bankers, which had been given in exchange for his own. Some deduction must be made too from the maximum on both these accounts, on account of the reduction in the circulation in consequence of the recent disastrous events. Perhaps for these and other reasons it would be considered an outside estimate of the country circulation to take it at 6,000,000l. But even if it should be rated at 7,000,000l., there was no reason to believe that it would not be possible to supply this sum in gold. Since 1819 there had been coined and issued from the Mint 25 millions of gold. Suppose that seven or eight millions had been exported, which was indeed an extravagant supposition, there were 17 millions remaining. He believed too that the prohibiting the issue of country bank notes would be the means of introducing into circulation many sovereigns which had been kept in the coffers of country bankers, partly from a prudent motive of precaution, and partly because they chose rather to see their own notes in circulation wherever they could accomplish it. The reasons which he had stated were those which induced him to think the remedy of his rt. hon. friend was a good one; and he had heard nothing stated in favour of postponing its present application, which induced him to think that desirable. The hon. member (Sir J. Wrottesley) thought that the country banks had the same right to issue notes as the Bank of England. But it should be remembered that the Bank charter was granted for a valuable consideration, at a time when the Bank of England lent its capital for the exigencies of the state. The only distinct proposition for postponement which had been made, was that the subject should be deferred for a month. He saw great objections to such a course. It would be holding out a notion that it was the intention of parliament to adopt the present measure at the end of that time; the whole of the session would probably be consumed in hearing evidence, until it would be too late to act upon it at all, and the embarrassment and confusion would be prolonged to a most injurious extent (hear, hear).

He was fully convinced that this was the time for putting the measure into practice, and that it had come to the question of "now or never." Either the remedy must be applied at the present moment, or it must be abandoned for ever. If it were proposed to wait until a time of greater prosperity, he should say, that such a time would, in his opinion, be less favourable than the present. In 1818, when a proposal had been made for taking security from the country bankers, great exertions had been made, and successfully made, to defeat that measure. It could not be expected, when a time of greater prosperity should arrive, that the country bankers would acquiesce in any similar measure if it should then be proposed. If it were true, as stated by an hon. member (Mr. T. Wilson), that the reduction of the country bank-notes had increased the circulation, and that gold was flowing into the country day by day in a larger stream, it was the more advisable to avail ourselves of this opportunity (hear, hear). This was a favourable time for effecting that restoration of the currency which was admitted to be so desirable, and it would be impolitic and unsafe to wait the moment of returning prosperity, which would make the country bankers more reluctant to agree to it, and more able to oppose it. To stand gazing on the bank in idle expectation, now that the river was passable, would be an irreparable mistake. The time would come when its tide would have increased—when

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Mr. Attwood said that great injustice had been done in many speeches made in the house, by referring the first symptoms of distress which had appeared, to the failures of the country bankers. It should be remembered that several London bankers had failed before any of the country bankers had stopped, and that their stoppage had rather been the consequence than the cause of the distress. He was inclined to believe that the cause was much nearer to the heart of the system than would be readily acknowledged. Before the panic commenced there was a suspicion afloat that Government were greatly embarrassed with respect to their pecuniary engagements with the Bank. It was known that they had applied to the Bank for accommodation under very dangerous circumstances. The rt. hon. gent. (Mr. Huskisson) had stated, that at one period, recently, Exchequer-bills and Government securities were not convertible into money. How did that happen? There must have been something very extraordinary in the state of the country when those securities became inconvertible. An hon. member (Mr. Baring) had complained that the capital of the Bank had been rendered unavailable by its transactions with Government. He should like to know how they could be made more available. The Bank were placed between these two difficulties—if at the close of the last year, they had pressed the merchants for repayment of the advances which they had made to them, they would have ruined them; and if they had proceeded to sell, as they ought to



employed in manufactures; but the evil of the system was felt in a different, though not in a less severe shape by the agricultural labourer. He did not know whether the committee which had been presided over by the noble lord (Lord John Russell) had gone very deeply into this subject; but, for his own part, he was satisfied that the payment of agricultural labourers rested upon as unsatisfactory grounds as possible. He would not take upon him to say in what respect this should be altered, because the subject required a more serious consideration than he was at this moment prepared to give to it; but he was quite sure that a system could not be sound or politic under which a man in perfect health and strength was unable to earn a sufficient sum for the support of himself and his family (hear, hear). Without, therefore, going into the causes of this state of things, he was quite convinced that the restoration of the circulation of the country to something like its ancient standard, would have the effect of permanently ameliorating the condition of the labouring classes of every description. It was upon them that the distress produced by the recent failures had fallen most heavily. The man who had 500*l.* or 1000*l.* of country bank-notes, could afford to wait until the affairs should be wound up, or the dividend paid. It was not so with the poor man, who held a 5*l.*, a 3*l.*, or a 2*l.* note. To him to wait would be to lose the money altogether; the inconvenience to which he was exposed, the expense of proving his debt, and other obstacles which such a failure always produced, were fatal to his claim; and he who was most in want of compensation was often the only one who did not receive it. Perhaps he (Mr. Peel) was induced to dwell on this subject, in consequence of the impression which had been made on him by the scenes of distress he had witnessed from the failure of the banks in Ireland. He verily believed that the history of no country could display instances of more aggravated suffering than those which he had himself seen in the province of Connaught. The breaking of Lord Ffrench's bank alone produced in that part of the country which was most intimately connected with it, more poverty, and more of that misery and crime which spring from poverty, than any other event within his recollection. Any plan, therefore, which would enable the country to get rid for the future of these disastrous results, should receive the countenance of the house. Having thus stated the reasons which satisfied him that the present system had a positive tendency, at some times, to increase that spirit of speculation which ran to so mad a height, and at others to make the languor which prevailed still more debilitating, he would proceed to consider whether the remedy proposed by his rt. hon. friend would prove effectual; and further, whether this was the proper time at which it should be applied. The last topic seemed to require no less consideration than the former; because, as an hon. member (Mr. Baring) said on a former evening, an operation might be necessary, but the moment for performing it must depend upon the nature of the danger. He was first led to examine the objection which had been alleged against the principle of the joint-stock banks, proposed by his rt. hon. friend; namely, that persons would not be found willing to risk their property in such experiments, and that the people in general

would not place sufficient confidence in those by whom the new establishments would be managed. He believed that gentlemen of property would be found, many more than enough to execute the proposed plan, who would be actuated not by the mere desire of profit, but by the wish to see a better, firmer, and more useful system of banking in their districts, and that they would lend the assistance of their capital and their exertions to ensure the success of such establishments. He hoped and most sincerely trusted, that the great obstacle to the proposed institutions, the want of a charter, would be removed. He hoped that the directors of the Bank of England would seriously consider whether any great advantage could result to themselves from the absence of a charter in the proposed establishments; and whether, on the other hand, great advantages would not be experienced by the country from their having that facility afforded to them (hear, hear). He declared that he could see no one advantage which the directors of the Bank of England could derive from the refusal to grant charters to country banking establishments. It was unquestionable that they had the right to refuse the grant if they chose; but he trusted that they would refrain from exercising that right (hear, hear). Having had occasion to mention the directors of the Bank of England, he would add that the conduct they had displayed during the recent crisis had increased the respect which he had before entertained for them. They had been placed in a most difficult situation; they had to perform an arduous and a double duty—to act at once for the advantage of the country, and for the protection of the interests of those persons who were more immediately connected with them. He could not conceive it possible for any body of men to have acted better, or to have exercised more judgment and liberality than the directors of the Bank of England (cheers). He wished that they would give one farther instance of liberality by waiving their right to withhold from the proposed establishments the charter which they would require. There would then be none of that want of confidence which had been anticipated; and the extended scale upon which the new banks would be established, would satisfy persons of their security, and they would not hesitate to give the direction of them to persons who would be chosen by themselves (hear, hear). This, he thought, would furnish a complete answer to the objections which had been raised as to the want of confidence. The success of such institutions was sufficiently shown by the example of Scotland, where they had subsisted for so many years, and of Ireland, where two banks of this nature had been established since the passing of the act of last session, and which presented every prospect of success.—He now came to the conclusion of his rt. hon. friend, in which he concurred,—that it would be impossible to maintain the circulation of 1*l.* and 2*l.* notes, together with a metallic currency (hear, hear). There could be no security till this system was altered, and a gold currency established. He had always thought that Mr. Ricardo had underestimated the amount of gold which was requisite to maintain a healthy currency. On the other hand, he was not inclined, as had been said by an hon. member, to saturate the country with gold. The hon. member (Mr. Baring) had overrated the currency in stating it at thirty or



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have done, the Government securities, he in his conscience believed that they would have ruined the Government (hear, hear). Had the Bank, towards the close of the last year, before the panic commenced, when the question was not with respect to the bankers, but with respect to the Government and its embarrassments, carried the Exchequer-bills into the market, and made them available at whatever price they would bring, the Government paper would have suffered a depreciation to an extent which it was impossible to conceive—to such an extent that they would have received no payment for taxes except in their own paper. As it was, Government were unable to fulfil their engagements except by going to the Bank, and humbly requesting them to consider the state of the country, and afford their assistance—in fact, they placed themselves in a state of vassalage to the Bank (hear, hear). For many years a great mass of debt had existed on the part of Government to the Bank. In 1822 that mass was enlarged. In that year ministers increased the debt of Government, as a means of affording relief to the distresses of the country which had been occasioned by Mr. Peel's bill. The bank then issued notes to a considerable amount—a measure totally inconsistent with the permanency of the state of currency established by that bill. To that bill all the present embarrassments were attributable. The object of the measure was to make the country pay debts in a currency different from that in which they were contracted (hear, hear). At the present moment, however, they were not a step nearer to the effecting of that object than when they first set out. A similar measure was tried in 1792, and failed. On both occasions the country had been totally unable to proceed under the pressure of its burden. On both occasions the country was placed in a condition of calamity, in which it appeared doubtful whether the people would sink under the ill-advised attempt of Government, or Government would be overturned by its own rash undertaking. Twice had this state of things occurred, and twice had the country been relieved from depression, by the adoption of measures totally inconsistent with the principle, by acting upon which the depression had been produced. The cause of the distress on both occasions was the attempt to establish a metallic currency, and the remedy had been found in issues of paper. Ministers were now about to try the experiment again, and he warned them that it would occasion still greater calamities than any which it had previously occurred. He begged to call the attention of the house to the nature of the measures which were adopted in 1822, and by which the country procured relief. In 1821, the circulation of the Bank was at its lowest amount. In 1822 and 1823 they considerably increased their circulation. This increase was forced; it bore all the character of Government money, and was founded on Government securities. This augmentation of the circulation of the Bank, it should be remembered, was not called for by the mercantile part of the community. On the increase of the Bank of England's circulation was founded the increase of the country bank paper. The latter followed the former, and was no more than proportionate to it (hear, hear). This was the real speculation and overtrading of which rt. hon. gent. had said so much. The paper which had been forced on the country by the measures of Government adopted for

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that express object, was drawn in by the operation of Mr. Peel's bill. To this contraction of the circulation were owing all the recent calamities; and a further contraction by the measures proposed would as the rt. hon. sec. (Peel) seemed to anticipate, create a wider scene of still greater calamity and danger. It was impossible that the circulation could be increased without raising the price of commodities, or diminished without causing a proportionate fall of prices. It had been stated that the Bank of England notes found their way back to the Bank. He would be glad to know how it was possible that any of the six millions of notes issued by the Bank since 1822 could return to the Bank. The session of 1823 commenced with the precious project for relieving the country by increasing the circulation by means of borrowing from the Bank. The plan formed a principal topic in the speeches of the noble lord (Liverpool), and the rt. hon. gent. (Mr. Huskisson). It was openly avowed that the Bank lent the money to Government for the express purpose of increasing the circulation. The rt. hon. gent. spoke of it as a "measure of accommodation," calculated to "afford some relaxation of the pressure of Mr. Peel's bill." Then came the project of raising money upon the dead weight, the real object of which was to obtain an issue of Bank-notes. The issue of notes accordingly took place. Now, it was impossible that the notes thus sent forth could ever get back to the Bank until there was a demand for gold (hear, from Mr. Peel); but the demand for gold would not exist until the rate of exchange had been altered, and that alteration could not take place until the value of money, and consequently the value of all commodities throughout the country, had undergone a change. There were persons who contended that no depreciation of the value of money had taken place, because the price of gold had not advanced. In order to measure the depreciation of money by the price of gold, it was necessary to consider what the effect would be if the Bank were to shut its doors, and keep out its twenty-one millions of circulation. He had no doubt that under such circumstances, the price of gold would advance 20 or 30 per cent. (hear, hear). That was the way to measure the depreciation of money; and if they did not adopt that mode of measuring it, how could they form any calculation on the subject? The depreciation would be in proportion to the increase of the circulation. The addition of a million of notes would cause a sensible depreciation, but the addition of six millions would produce a very violent one. The rate of prices was the best criterion of the value of money. The end of 1821 was, as he had before stated, the period when the circulation of Bank of England notes was at its lowest amount. The average price of grain throughout 1822 was 43s. per quarter. The Chancellor of the Exchequer then said, that the country was reviving—that it was recovering from its difficulties. Gentlemen should consider whether it was possible ever to obtain a higher price for grain than 43s. per quarter, under a state of the currency such as that which ministers were endeavouring to establish. The house had heard much about the importation of gold, and doubts were expressed as to the possibility of obtaining enough for the use of the country. The quantity had nothing at all to do with the question. A country like this could as easily procure 20 millions of gold as 5 mil-

make any such sudden and violent alteration in its issues. He, for one, was, on that occasion, for withdrawing the one pound notes from circulation, because he felt that it was proved by the experience of years, that small notes and a metallic currency could not circulate together (hear, hear). He thought it right that they should adopt the wholesome advice of the hon. alderman (Heygate), and tread in the steps of their forefathers. There was no period of our history at which there was greater distress or greater difficulty and dismay than in 1793. At that period, there was published by Mr. Burke, a gentleman of no mean or doubtful authority, a book, every point and sentence of which was questioned at the time, but of which every prophecy was subsequently most fully established. Mr. Burke, in describing the French revolutionary proceedings, pointed out the mistakes into which they fell with respect to our paper currency, and observed, that they seemed to imagine that the prosperity of Great Britain grew out of her paper currency, whereas, in point of fact, the paper currency grew out of her prosperity (hear, hear). An hon. member (Mr. Baring) had stated an opinion, to which he had listened with surprise and regret, that Government had so clogged and embarrassed the Bank, that that body were no longer fit and proper agents to manage the circulating medium of the country (hear, hear). It was said, in the first place, that the advances made by the Bank to Government, amounted to 7,000,000*l.* It was added, that what were called "the deficiencies"—namely, the advances on the faith of the receipts of the current quarter, made by the Bank to the Government, amounted to 5,500,000*l.* The hon. member (Mr. Baring) had fixed the sum necessary for paying off the  $4\frac{1}{2}$  per cents. at 3,700,000*l.* The "dead weight," as it was termed, he described as swallowing up 8,000,000*l.* though in fact it appeared only to require 6,500,000*l.*; and lastly, he had noticed the sum laid out by the Bank on mortgage, which amounted to 1,500,000*l.* Now the objection of the hon. member did not seem to be so much directed against the amount as against the nature and principle of the different charges. The tendency of the hon. member's speech went to this point—that Government had laid this heavy load on the Bank, and that the Bank, in consequence, was rendered incapable of performing its proper duties. He would therefore examine how far the proposition of the hon. member could be fairly sustained. He would, in the first place, observe that the sums lent by the Bank on mortgage were no more a concern of the Government than of the hon. gent. himself. The Bank thought fit (and certainly he did not blame them), in a period of very great pressure, to do what appeared to them to be a great public good, at the same time that, by making use of their resources, they benefited themselves. They thought they had a right to obtain a just advantage for the body of proprietors, by advancing, on landed estates, the sum of 1,500,000*l.* Whether they acted wisely or unwisely in entering on this speculation, was a matter with which the government had nothing to do. It was entirely in their mercantile capacity, and with reference to their mercantile discretion, that they made the advance in question. Then as to the "dead-weight," he would profess fairly for himself, that he did not understand the system. The attempt to understand a subject

—and, in saying so, he meant nothing offensive to the hon. alderman (Heygate)—did not always enable men to arrive at that understanding (a laugh). He was serious—and he must honestly profess, that he did not understand the plan, though other gentlemen might. But, whether the Bank made a prudent bargain or a foolish one with the Government, or whether the Government struck a wise bargain or an improvident one with the Bank—had nothing to do with his argument. The Government sold an annuity to the Bank. The Bank took up the transaction in their mercantile capacity. They might, if they had pleased, have gone into the market the very next day, and disposed of their purchase to the best advantage; and the Government were no more responsible for the Bank holding in their hands that which they had bought from Government, than they were accountable for any indifferent transaction of that body. They had no more to do with it than they would have had with the conduct of the hon. member (Mr. Baring), if, having taken a share in a loan, he chose to keep that share entirely in his own hands, when, if he pleased, he might have sold it. This was the true state of the case, and he (Mr. Canning) must therefore withdraw the sum connected with the dead-weight from the hon. gent.'s argument; because, if in consequence of their bargain, the Bank were incapacitated from doing any act beneficial to the country, it was their own fault, and not the fault of the government. He had now, he thought, fairly disposed of 6,500,000*l.* out of the burden of 24,000,000*l.* with which the hon. member alleged that the Government had loaded the Bank. The next sum to which the hon. member had adverted, was that of 3,700,000*l.* to meet the dissentients on the 4 and 5 per cents. But it should not be forgotten, that that sum was in regular course of payment, at the rate of 750,000*l.* per quarter, or 3,000,000*l.* per annum. So that, in the course of this year but 750,000*l.* would be due. Indeed, as his rt. hon. friend (the Chancellor of the Exchequer) intimated, the debt would be entirely done away in the present year. There came the amount of Exchequer bills, and what was denominated "deficiencies." With respect to the deficiencies, what, he asked, was the fairness and justice of the hon. gent.'s argument? The hon. gent. thought fit to complain, because the Bank was called upon to pay quarterly dividends on certain days, for which advance the Bank was repaid by the growing produce of the revenue; that therefore that great body must be considered as out of pocket during the whole of each quarter. The hon. member took no notice whatever of the gradual reduction of the sum required. As he (Mr. Canning) was not much versed in matters of this nature, he would endeavour to find an illustration of his view of this case in private life. Suppose, then, that any gentleman were in debt, and thought proper to set aside 4000*l.* a-year, to be advanced in quarterly payments, for the arrangement of his affairs: suppose this gentleman should say to the agent employed in managing the payments, "All you have to do is to make the quarterly payments, and reimburse yourself out of my rents as they come in. If you are in advance for the quarter beyond what my rents may satisfy, then you may charge interest on the advance; but, if it happen that you have rents of mine in your possession beyond what is required for the pay-



ment of the annuity, I shall ask you no interest for the use of that money" (hear, hear). Now he would ask any man, if this would not be a profitable contract on the part of the agent? But this was precisely the situation of the Bank; and he should be glad to know whether the Bank did not derive a profit from this transaction with Government (hear, hear)? Was it not most erroneous to say that the Bank was out of pocket, when that body was receiving money for the discharge of the quarter's dividends six weeks, perhaps, before the payment was made; and when, on the one side, the Bank charged interest if that body happened to be in advance; while, on the other, if they had public money in their hands, they paid no interest at all? The simple fact was, that in making these advances, the Bank of England were the bankers of the Government, dealing just as the private banker would do with reference to a private gentleman. The Bank made advances, as the private banker would do, and, like him, they were indemnified for it. And how, he asked, had this system worked for the last year? On the 5th of Jan. 1824, the sum advanced by the Bank was 1,540,000*l.*, odd, all of which was cleared off by the end of the next quarter—and, during the interval, interest was paid on the money advanced; on the 5th of April, there was an advance of 1,690,000*l.*, which was liquidated by the 28th of May, and from the 28th of May, till the 5th of July, the Bank remained in possession of a certain portion of the revenue of Government, with which it was to deal as it deemed most conducive to its own profit, without being called on for the payment of interest. On the 5th of July, the advance on the part of the Bank was 1,600,000*l.*, which was cleared off by the 3d of September; and from that period, to the 10th of October, the Bank held a part of the revenues of the Government in their hands, which they might use in the most profitable manner. On the 10th of October the advance made by the Bank was 1,400,000*l.*, which was cleared off on the 10th of December; so that the Bank had, from that period to the 5th of January, a portion of the public revenue in their hands, on which of course they would endeavour to realize as much profit as possible. On the 5th of January, in this year, the advance made by the Bank was 5,500,000*l.*; and on the day on which he (Mr. Canning) was speaking, 2,800,000*l.* of that sum was paid, and the whole was in the course of daily reduction. Was this, then, a course of proceeding that could fetter the transactions of the Bank? He would maintain that it was an aid, instead of an impediment; and if the Government could withdraw their custom from the Bank, and place it elsewhere, so far from being relieved from a burden, the Bank would be deprived of a source of profit. He found in the bullion reports of 1812 and 1819, a distinct recommendation, that the advances of the Bank to Government ought never, in fairness, to be stated, without at the same time taking into the account the balances which the Government were in the habit of leaving in the hands of the Bank. And what was the average of those balances? The average of the balances which the Bank derived from the Government, and which the Bank was authorized to use for its own profit, was no less than 7,000,000*l.* a-year. He had thus reduced the 24,000,000*l.* (which were described as cramping the exertions of the Bank), item by item, till nothing of the burden said to

be imposed by government remained except the 6,000,000*l.* or 7,000,000*l.* of Exchequer-bills which were held by the Bank (hear, hear). He was sure the hon. member did not mean to say—nay, he could not mean it—that this last was an objectionable item. The original charter of the Bank recognized it. That loan was coeval with the constitution of the Bank; it was the foundation of the whole superstructure; and when the period might arrive, to strike the advances of the Bank on one side, and the balances of the Government on the other, it must not be left out of the account, that the Bank were dividing 8 per cent. on a capital of 14,000,000*l.* instead of 7 per cent. on the original capital of 12,000,000*l.* The hon. member was aware at what time, and under what circumstances, this change had been effected. It had accrued from a series of bonuses, divided amongst the Bank proprietors, during the period of the suspension of cash payments. This was the very fact on which, in his (Mr. Canning's) speeches on the bullion question, he founded this plain and simple proposition—that, during the continuance of the restriction on cash payments, the Bank should not be allowed to increase its dividends. Why then, looking to all the circumstances, he thought there was nothing in the state of the Bank that required or justified the complaints of the hon. gent. He thought it was a misfortune that the hon. gent. should have made out his proposition, even to the extent of this last item; because, as he gathered from one part of the hon. gent.'s speech, he seemed to look to some other measure, to some plan not yet divulged, for affording temporary relief; and it appeared to him that it would be the greatest imaginable misfortune, if any thing were proposed, that should seem to induce an idea, that this mighty establishment was not fit to wield, with advantage, the great powers which were entrusted to it. But, as far as they had gone, he would contend they were in a situation greatly to benefit the country; nay, he would declare, that they were more disembarassed, at the present moment, than they had been for a long series of years.—If, then, there were no difficulty, as between the Bank of England and the Government, in carrying into effect the proposition of his rt. hon. friend, what were the difficulties militating against that proposition, which existed with respect to the country banks? It was admitted, that they only had an approximation to the amount of country bank notes in circulation. They would, perhaps, rate the amount rather too high at 6,000,000*l.* and rather too low at 4,000,000*l.* Well, then, what was the effect of his hon. friend's proposition? Why, that this amount, be it 6,000,000*l.* or 4,000,000*l.* should, in the course of three years, be withdrawn from circulation. There were, they had been told, about 800 country banks—that number was perhaps diminished by the late unfortunate events. But if they divided between the number of country banks he had mentioned, the amount of 1*l.* and 2*l.* notes which it was calculated they had in circulation, it would give a proportion of about 8000*l.* to each bank; and to withdraw this sum of 8000*l.* from circulation, it was proposed to allow a period of three years, or in other words, time was given to enable the bankers to withdraw something more than 2000*l.* and something less than 3000*l.* per annum, from their small note circulation. After all they had heard of the solidity and re-

make any such sudden and violent alterations in its issues. He, for one, was, on that occasion, far from withdrawing the one pound notes from circulation, because he felt that it was proved by the experience of years, that small notes and a smallish currency could not circulate together well. He thought it right that they should accept the wise counsel of the hon. member (Hoygate), and stand in the steps of their limitations. There was no period of our history at which there was greater distress or greater difficulty and misery than in 1793. At that period, there was published by Mr. Burke, a gentleman of no mean or doubtful authority, a work, every point and sentence of which was questioned at the time, but of which every prophecy was subsequently most fully established. Mr. Burke, in describing the French revolutionary proceedings, pointed out the mistakes into which they fell with respect to our paper currency, and observed, that they seemed to imagine that the prosperity of Great Britain grew out of her paper currency; whereas, as a point of fact, the paper currency grew out of her prosperity, *hear, hear*. As hon. member Mr. Baring had stated an opinion, to which he had listened with surprise and regret, that Government had so clogged and embarrassed the Bank, that that body were no longer fit and proper agents to manage the circulating medium of the country (*hear, hear*). It was said, in the first place, that the advances made by the Bank to Government, amounted to 7,500,000*l.* It was added, that what were called "the deficiencies"—namely, the advances on the faith of the receipts of the current quarter, made by the Bank to the Government, amounted to 3,500,000*l.* The hon. member Mr. Baring had fixed the sum necessary for paying off the 4½ per cents. at 3,750,000*l.* The "dead weight," as it was termed, or described as swallowing up 5,000,000*l.* though in fact it appeared only to require 6,500,000*l.*; and lastly, he had noticed the sum laid out by the Bank on mortgage, which amounted to 1,500,000*l.* Now the objection of the hon. member did not seem to be so much entered against the amount as against the nature and principle of the different charges. The tendency of the hon. member's speech went to this point—that Government had laid this heavy load on the Bank, and that the Bank, in consequence, was rendered incapable of performing its proper duties. He would therefore examine how far the proposition of the hon. member could be fairly sustained. He would, in the first place, observe that the sums lent by the Bank on mortgage were no more a concern of the Government; than of the hon. gent. himself. The Bank thought fit; and certainly he did not blame them, in a period of very great pressure, to do what appeared to them to be a great public good, at the same time that, by making use of their resources, they benefited themselves. They thought they had a right to obtain a just advantage for the body of proprietors, by advancing on landed estates, the sum of 1,500,000*l.* Whether they acted wisely or unwisely in entering on this speculation, was a matter with which the government had nothing to do. It was entirely in their mercantile capacity, and with reference to their mercantile discretion, that they made the advance in question. Then as to the "dead-weight," he would profess fairly for himself, that he did not understand the system. The attempt to understand a subject

—and, in doing so, he meant nothing offensive to the hon. member (Hoygate)—did not always enable men to arrive at that understanding a subject. He was serious—and he must honestly confess, that he did not understand the point, though other gentlemen might. But, whether the Bank made a prudent bargain or a foolish one with the Government, or whether the Government struck a wise bargain or an imprudent one with the Bank—had nothing to do with his argument. The Government sent an advance to the Bank. The Bank took as the transaction in their mercantile capacity. They might, if they had pleased, have gone into the market the very next day, and disposed of their purchase to the best advantage; and the Government were no more responsible for the Bank dealing in their hands that which they had bought from Government, than they were accountable for any indifferent transaction of that body. They had no more to do with it than they would have had with the conduct of the hon. member (Mr. Baring), if, having taken a share in a loan, he chose to keep that share entirely in his own hands, when, if he pleased, he might have sold it. This was the true state of the case, and he (Mr. Canning) must therefore withdraw the sum connected with the dead-weight from the hon. gent.'s argument; because, if in consequence of their bargain, the Bank were incapacitated from doing any act beneficial to the country, it was their own fault, and not the fault of the government. He had now, he thought, fairly disposed of 6,500,000*l.* out of the burden of 24,000,000*l.* with which the hon. member alleged that the Government had loaded the Bank. The next sum to which the hon. member had adverted, was that of 3,700,000*l.* to meet the disbursements on the 4 and 5 per cents. But it should not be forgotten, that that sum was in regular course of payment, at the rate of 750,000*l.* per quarter, or 3,000,000*l.* per annum. So that, in the course of this year but 750,000*l.* would be due. Indeed, as his hon. friend (the Chancellor of the Exchequer) intimated, the debt would be entirely done away in the present year. Then came the amount of Exchequer bills, and what was denominated "deficiencies." With respect to the deficiencies, what, he asked, was the fairness and justice of the hon. gent.'s argument? The hon. gent. thought fit to complain, because the Bank was called upon to pay quarterly dividends on certain days, for which advance the Bank was repaid by the growing produce of the revenue; that therefore that great body must be considered as out of pocket during the whole of each quarter. The hon. member took no notice whatever of the gradual reduction of the sum required. As to Mr. Canning's was not much versed in matters of this nature, he would endeavour to find an illustration of his view of this case in private life. Suppose, then, that any gentleman were in debt, and thought proper to set aside 4000*l.* a-year, to be advanced in quarterly payments, for the arrangement of his affairs; suppose this gentleman should say to the agent employed in managing the payments, "All you have to do is to make the quarterly payments, and reimburse yourself out of my rents as they come in. If you are in advance for the quarter beyond what my rents may satisfy, then you may charge interest on the advance; but, if it happen that you have rents of mine in your possession beyond what is required for the pay-



which he held in his hand), a meeting of the magistrates, the Boroughreeve being in the chair, was called, and a strong protest was put forth against such an issue. A general determination prevailed to oppose the introduction of that system, in the absence of which some gentleman seemed to suppose the ordinary business of the country could not go on. There was a population of nearly 2,000,000 in and around Manchester. In the metropolis and its neighbourhood there was also an immense population, amongst whom the circulation of small notes was unknown. Here he might say there was a population of 4,000,000 of Englishmen who knew not what a 1l. note was, and yet they were gravely told that that species of circulation was essential to the well-being of trade and commerce (hear, hear). Why, it was not many weeks ago since a deputation from one of the dockyards waited on his Majesty's government, with the information that they had not the means of paying the wages of the workmen. Every bank in the neighbourhood had failed; not a bank-note was to be procured, and the consequence was, they were obliged to seek for relief in the metropolis. Was not this a situation the recurrence of which ought to be guarded against? Surely this was a sufficient proof of insecurity to induce the legislature, when they examined the basis of the circulation, to put it at once on a secure and sound footing. It could not be placed on a sound footing unless its basis were the precious metals. He did not speak of payments in gold alone; he used the phrase "the precious metals," in order that he might not exclude from due consideration at the proper time the suggestion which had been thrown out by the hon. member (Mr. Baring). It was in vain to think of forming a gold circulation so long as the 1l. paper remained. While that remained the gold must necessarily disappear. That minor paper circulation would choke up the channel of trade, and when the gold attempted to flow into it, the paper would resist it; but clear away that paper circulation, give bills of exchange to an amount infinitely greater than the notes themselves; they might pile such securities mountains high; but if in the ordinary commerce of life they irrigated the base of those securities with gold, they would answer every purpose, and would amply uphold public credit and public confidence. Some gentlemen were surprised that the same persons who condemned the smaller species of bank-notes should declare themselves in favour of that of a higher denomination. The surprise, however, was, that any body should be surprised at the distinction. The 1l. note had qualities which the larger note had not. The larger note covenanted to pay the equivalent in metal; but, with respect to the 1l. note, the promise was uniformly broken. When they came to this lower denomination of notes, and found that they could get nothing but paper in return for paper, what was the consequence? It produced a rise of prices, which destroyed the reward of labour, and consequently deprived the working classes of the means of subsistence. The 1l. note differed in those respects from the larger note. It was, in fact, a substitute for the sign and superscription of the sovereign: it was an assumption of the prerogative of the Crown, and it touched the nearest interests of the labouring classes. The resolution of his rt. hon. friend would correct these evils. It had

every recommendation to the confidence of the house; and he believed that the passing of that resolution would do more to restore confidence and credit, and to show that it was determined to maintain the circulation of the country on an established, permanent, and immoveable basis, than could be effected by any other measure (hear, hear). He was perfectly convinced that the legislature could not do the same quantity of good in any other way with such a slight effort, and in so easy and tranquil a manner. It was, however, impossible to have heard the opposition to this measure without discovering that the opponents of it were divided into two classes. One, and he was afraid the larger class, while they objected to the time, the mode, and the degree, did, in effect, cover under those grounds of opposition a rooted, fundamental, unsparing, and undistinguishing objection to the circulation of any other currency except that which was adopted during the whole period of the war. It was not necessary to argue with that class on the proposition of his rt. hon. friend. That was too narrow a point. The difference between them and those who supported his rt. hon. friend's measure, was so large, that it would be fighting a shadow to oppose them on that simple question. They were favourable to an unbounded and irresponsible currency—that sort of currency in which the promise might be made to the eye but never kept to the understanding (hear, hear). There was, however, another class of opponents, at the head of whom was the hon. member for Taunton (Mr. Baring), who, he would say, was imbued with as just an idea of a sound circulating medium, as any of the supporters of the proposition. Some of this class, however, objected to the alteration, because they considered that there was something peculiarly bad in the time. The present time could only be compared with the past and the future. If the hon. member (Mr. Baring) wished this measure to have been taken long ago, he (Mr. Canning) entirely concurred with him in the justice of his opinion (hear, hear). Had such been the case, there would have been no necessity for the bill which was brought in in 1822: the matter would have gone by, and they would have been spared the present discussion. But with regard to the future, he confessed he felt that no time was more likely, or could be more happy for such an effort, than the present moment. How stood the law on the subject? And here he called on those gentlemen who, under the mask of an opposition to this resolution, wished for a perpetual prolongation of the issue of small paper, to recollect that the law, as it at present stood, would ultimately put an end to the 1l. notes. That extinction, however, under the existing law, would be coincident with the expiration of the Bank charter; and he would appeal to those gentlemen, whether that would be a convenient time to have a question of this important nature taken up? He presumed those gentlemen would not attempt to extend the issuing of small notes beyond the period to which the Bank charter was limited, unless they had the avowed intention of making the system perpetual. All that was proposed was, to get rid of this system four years sooner than had been contemplated. The abundant space of three years was still to be allowed for carrying into effect the alteration; and not one of the many gentlemen who wished for a little more delay—only a little more de-



spectability of the country banks, surely it was not to be said, when they were called on in the course of three years to withdraw so inconsiderable a sum, that it would be such a strain on their capacity, that they could not comply without drawing ruin and confusion on the country. He was quite sure that his *rt. hon. friend's* proposition was one, that, when reduced to its dimensions, and gauged by the rules of arithmetic, would shrink into so small a compass, that individuals would be surprised to think that it could, by any power of argument, be swollen to such apparent magnitude and importance. But while he denied that the effort was one which the country could not easily bear, and while he observed that some gentlemen treated the proposition as one of too narrow and confined a nature to produce any great effect, he deemed it necessary to remind the house, that however diminutive the immediate object might appear, the proposition was mighty in principle. It was, he repeated, mighty in principle, if its effect should be to restore, in the opinions of men, the fixed and unerring principle of a metallic standard for the country. If it produced such an effect, this effort, weak and puny as it might appear, would have achieved a mighty good, and conquered a growing and incalculable evil. It had been his (*Mr. Canning's*) fortune to hear and know *Mr. Burke*. He (*Mr. Canning*) had come into parliament two years before that great man had quitted public life, and he had received a letter from him on this subject—the only letter which he had ever received from him—and which he had treasured ever since as a memorial of departed wisdom and greatness. The letter was written at Bath, from that bed from which he never afterwards rose. *Mr. Burke* concluded his letter with a qualified approbation of the great measure which was then under discussion. His last expression, however, was, "Tell Pitt not to issue 11. notes, for if he does, he will never see a guinea again (hear, hear). *Mr. Burke* was admitted to have been a great politician, and this letter showed that he was no ordinary prophet. Few, very few persons at the time took this view of the subject, and they thought that those who prognosticated ill of the system were guilty of exaggeration. One-pound notes were abundantly issued, and at length when he (*Mr. Canning*) and the *hon. gent. (Mr. Baring)* were active in the debates on the finance of the country, a resolution was brought forward, which still stood on the records of that house, which "hedged" the pound note with a "divinity" which was never before supposed to belong to it (laughter). In the division of that day, he and the *hon. gent.* opposed that resolution to which his noble friend (*Lord Bexley*) was, he believed, the god-father rather than the father (a laugh). Now he would argue, seriously, that the existence of that resolution formed a very good reason for acceding to the proposition of his *rt. hon. friend*. This was evident to every thinking man; and the fact became still more manifest from something which passed in that house in the course of last year. There was a sort of obscure notion prevalent through the country, that the one-pound country bank-note was not convertible into cash on demand. This appeared from a petition presented by an *hon. member (Mr. Hume)*, in which it was stated that a country banker refused cash for a one-pound note. The banker mistook the law. It was upon this occasion

that the declaration with respect to those notes, which an *hon. member (Mr. Attwood)* was pleased to term so uncalled for, was made. That *hon. member* said, that in passing the present resolution they would be doing more mischievous things than they could imagine at present. Now that *hon. member* must be a very inattentive observer, if he did not perceive in the mistake which he (*Mr. Canning*) had noticed,—a mistake existing in the mind of an educated and practical man—a germ of danger which rendered it necessary that the legislature should interfere for the purpose of its removal, and for the security of the public. As to whether ministers had or had not repented of the declaration made at that time, that they never would agree to another suspension of cash payments, he would speak his opinion boldly. The *hon. member* seemed to think that some period might arrive when the propriety of that resolution might be shaken. For himself, he would say that he never thought of such a thing; and if any person supposed that that resolution had at any time been shaken, he would answer for himself and his colleagues, that such had never been the case, no, not even for a moment (cheers). An *hon. member (Mr. Baring)* had observed that the time might come when hard necessity might compel ministers to depart from that resolution. That *hon. member* was mistaken. What ministers said was:—"We will not fix on the Bank a coercive measure to prevent them from paying in specie." The *hon. member* added, that times might arrive which would induce the Bank to refrain from paying in cash. That was another proposition. He had no more idea, however, of the arrival of such a state of things than he had of a general convulsion of nature. Still he would not assert that such a time might not come; but this he would say, that no time would ever come when, to ward off the danger apprehended by the Bank, he and his colleagues would consent to interpose the powers of Government for the purpose of suspending the metallic currency of the country, and introducing in its place a spurious issue of Bank paper (cheers). If, then, there were no difficulty in taking away the small notes from circulation; and if, on the contrary, it would appear that benefit would result from that proceeding, he would ask of those who opposed the measure, to point out what good could be derived from supporting the issue of such paper,—he would even ask them whether its continuance was so harmless as to demand no notice? Was there nothing beyond the swelling of prices, and the raising the value of commodities, on which he would not touch, for fear of giving offence? Was there, he would ask, no practical reason which came home to their breasts, to call for an alteration in the system? Were there no opinions in favour of those who supported this proposition? Was there no great district where those small notes never were admitted? Did not gentlemen know that a project for the issue of one-pound notes had been unsuccessfully tried some time ago at Manchester? The parties wishing for a circulation of that kind comprised names of so high a character as to put beyond all doubt their power of discharging any demands that might be made on them. He need only mention the names of *Lloyd* and *Hayward* to show that no doubt or distrust could be entertained of the leading parties. Nevertheless, when they endeavoured to issue 11. notes (a specimen of



which he held in his hand), a meeting of the magistrates, the Boroughreeve being in the chair, was called, and a strong protest was put forth against such an issue. A general determination prevailed to oppose the introduction of that system, in the absence of which some gentleman seemed to suppose the ordinary business of the country could not go on. There was a population of nearly 2,000,000 in and around Manchester. In the metropolis and its neighbourhood there was also an immense population, amongst whom the circulation of small notes was unknown. Here he might say there was a population of 4,000,000 of Englishmen who knew not what a 1l. note was, and yet they were gravely told that that species of circulation was essential to the well-being of trade and commerce (hear, hear). Why, it was not many weeks ago since a deputation from one of the dockyards waited on his Majesty's government, with the information that they had not the means of paying the wages of the workmen. Every bank in the neighbourhood had failed; not a bank-note was to be procured, and the consequence was, they were obliged to seek for relief in the metropolis. Was not this a situation the recurrence of which ought to be guarded against? Surely this was a sufficient proof of insecurity to induce the legislature, when they examined the basis of the circulation, to put it at once on a secure and sound footing. It could not be placed on a sound footing unless its basis were the precious metals. He did not speak of payments in gold alone; he used the phrase "the precious metals," in order that he might not exclude from due consideration at the proper time the suggestion which had been thrown out by the hon. member (Mr. Baring). It was in vain to think of forming a gold circulation so long as the 1l. paper remained. While that remained the gold must necessarily disappear. That minor paper circulation would choke up the channel of trade, and when the gold attempted to flow into it, the paper would resist it; but clear away that paper circulation, give bills of exchange to an amount infinitely greater than the notes themselves; they might pile such securities mountains high; but if in the ordinary commerce of life they irrigated the base of those securities with gold, they would answer every purpose, and would amply uphold public credit and public confidence. Some gentlemen were surprised that the same persons who condemned the smaller species of bank-notes should declare themselves in favour of that of a higher denomination. The surprise, however, was, that any body should be surprised at the distinction. The 1l. note had qualities which the larger note had not. The larger note covenanted to pay the equivalent in metal; but, with respect to the 1l. note, the promise was uniformly broken. When they came to this lower denomination of notes, and found that they could get nothing but paper in return for paper, what was the consequence? It produced a rise of prices, which destroyed the reward of labour, and consequently deprived the working classes of the means of subsistence. The 1l. note differed in those respects from the larger note. It was, in fact, a substitute for the sign and superscription of the sovereign: it was an assumption of the prerogative of the Crown, and it touched the nearest interests of the labouring classes. The resolution of his rt. hon. friend would correct these evils. It had

every recommendation to the confidence of the house; and he believed that the passing of that resolution would do more to restore confidence and credit, and to show that it was determined to maintain the circulation of the country on an established, permanent, and immovable basis, than could be effected by any other measure (hear, hear). He was perfectly convinced that the legislature could not do the same quantity of good in any other way with such a slight effort, and in so easy and tranquil a manner. It was, however, impossible to have heard the opposition to this measure without discovering that the opponents of it were divided into two classes. One, and he was afraid the larger class, while they objected to the time, the mode, and the degree, did, in effect, cover under those grounds of opposition a rooted, fundamental, unsparing, and undistinguishing objection to the circulation of any other currency except that which was adopted during the whole period of the war. It was not necessary to argue with that class on the proposition of his rt. hon. friend. That was too narrow a point. The difference between them and those who supported his rt. hon. friend's measure, was so large, that it would be fighting a shadow to oppose them on that simple question. They were favourable to an unbounded and irresponsible currency—that sort of currency in which the promise might be made to the eye but never kept to the understanding (hear, hear). There was, however, another class of opponents, at the head of whom was the hon. member for Taunton (Mr. Baring), who, he would say, was imbued with as just an idea of a sound circulating medium, as any of the supporters of the proposition. Some of this class, however, objected to the alteration, because they considered that there was something peculiarly bad in the time. The present time could only be compared with the past and the future. If the hon. member (Mr. Baring) wished this measure to have been taken long ago, he (Mr. Canning) entirely concurred with him in the justice of his opinion (hear, hear). Had such been the case, there would have been no necessity for the bill which was brought in in 1822: the matter would have gone by, and they would have been spared the present discussion. But with regard to the future, he confessed he felt that no time was more likely, or could be more happy for such an effort, than the present moment. How stood the law on the subject? And here he called on those gentlemen who, under the mask of an opposition to this resolution, wished for a perpetual prolongation of the issue of small paper, to recollect that the law, as it at present stood, would ultimately put an end to the 1l. notes. That extinction, however, under the existing law, would be coincident with the expiration of the Bank charter; and he would appeal to those gentlemen, whether that would be a convenient time to have a question of this important nature taken up? He presumed those gentlemen would not attempt to extend the issuing of small notes beyond the period to which the Bank charter was limited, unless they had the avowed intention of making the system perpetual. All that was proposed was, to get rid of this system four years sooner than had been contemplated. The abundant space of three years was still to be allowed for carrying into effect the alteration: and not one of the many gentlemen who wished for a little more delay—only a little more de-

lay—in passing the measure, had attempted to assign any reason for the particular period of farther delay demanded. And it was difficult, too, to imagine what reason, or cause approaching to a reason, could apply equally to all the different extents of delay which different arguers required (hear, hear). An hon. member (Mr. Baring) wished the measure to be put off for a year. Another hon. gent. wished it to be put off for a month (laughter). As the discrepancy was rather considerable, which side was to be attended to? His (Mr. Canning's) objection to delay, no matter for how short a period, was—that, accompany it as the house would with comment or explanation, out of doors delay would be considered as defeat (hear, hear); they might rest assured that, by all those persons whose interests looked to the indefinite prolongation of the circulation of 11. and 21. notes, as such it would be understood and represented (hear, hear). Those gentlemen who were most sincere in their declarations that all they desired was to obtain some farther interval before the passing of this measure, would they answer that such interval should be used for withdrawing the notes gradually from circulation? Would it not be employed in preparing new difficulties in the way of carrying the measure? The hon. member (Mr. Baring) seemed by his manner to admit that it would be so employed, and his countenance was too ingenuous to indicate any thing but what was passing in his mind (a laugh). Now let gentlemen go back a little, as delay was asked, and see what had been gained by delay upon other occasions. Ministers had been assailed month after month with the reproaches, favoured session after session with the entreaties, of the hon. members on the other side, to open the commerce of the country to all the winds of heaven—to leave it free to all the wants of men. Take off, they had been told, the restrictions which cramped and incumbered our trade, and let it be launched anew with strength increased and wider liberty. If there were any one branch of trade more than another as to which this advice had been pressed, it was the silk trade, upon which Government had at length adopted it—adopted it certainly with the approbation and assistance of those by whom it had originally been given. But let gentlemen mark what had followed the passing of the new silk measures through the house. After the defeat of the opposition, all that had been asked was delay—a farther time. The time was given. How had it been used? In preparing for the change which was to come—in taking steps to adapt the trade to that state of things which would arise under the new law? No; but in raising every possible obstacle to the operation of that law; taking every course that prevention could devise to make the new arrangement which was contemplated to commence in July next, impracticable; and now, upon those very difficulties which had been thus wilfully and purposely got up, it was said that a new appeal for farther time was to be grounded (hear). Was not this a proof that, as regarded the measure now contemplated, to give time would be to give up the purpose? If it were but reasonable to suppose that the grant of that delay could be safe, he would think of it; but, for the house to fall twice into the same error, would be to stultify, and to nullify, its own measures (hear, hear). He hoped that it could not be necessary for him—for any mi-

nister of Government—for any member of parliament, at this time to avow that he felt deep regret—the deepest regret and anxiety for the state of the commercial interests of the country. And he was bound to confess, however he might differ in opinion from some gentlemen who had taken part in the present debate, that there had been almost on all hands a candid abstinence from the introduction of topics which would have been unfairly brought into discussion; but which, nevertheless, might have been dragged into it, had the object been to create opposition, and to inflame. It could not be necessary for an assembly of Englishmen to declare that they felt for the distresses of persons with whom every individual of that assembly must be more or less intimately connected and acquainted; and far less to make protest of their sympathy with all privations endured by that more humble, but not less valuable, class of labourers, upon whose security and welfare the strength and the prosperity of the country depended. He did not mean to tell the house that the measure now proposed was levelled entirely at the protection of the higher interests; but this he did say distinctly, that it aimed directly and specifically to effect the safety of the poorer classes. It had been the wish of the most favourite monarch of France, that every peasant in his realm should have a fowl in his pot on a Sunday: the measure before the house would at least do so much towards realizing that wish for the peasantry of England, that it would ensure them the possession of their fowl after they had earned it. The poor man, when it was passed, would at least be certain, at the end of his week's toil, not to find himself left with a piece of paper in his hands for which he could obtain no value; but to receive—the value of his labour great or small—the real payment which he had exerted himself to gain (loud and continued cheers).

Mr. Pease defended the conduct of the Bank of England, and complained that justice had not been done either to the motives or interests of that establishment. The public had been taught to form a very erroneous estimate of the profits of the Bank of England: they were by no means so large as some hon. members had insinuated. Allusion had been made by more than one gentleman to the subject of the dead weight, and to the loans upon mortgage: the fact was, that public establishments could not always act as they pleased. Both those undertakings had been reluctant measures on the part of the Bank. For the first, when it was found that the plan could not be carried into effect without their assistance—without saying whether it was more or less complex, or whether indeed they understood it all—sanctioned as it was by parliament, they were anxious to give their aid towards putting it in execution, if possible. Then it was said that the Bank might have disposed, at some time past, of a part of this incumbrance; but so let it be recollected, the Government might have funded part of their Exchequer-bills, and they had not done so: if there was any fault, one side had as much of it to answer for as the other. Large balances of the public money, it was said, had lain in their hands, and by these they profited largely; but it was not remembered that they had also lent the public a sum of 3,000,000*l.* for eight or ten years without security. Of all the profits which the Bank was charged to have made during the war, he could under-



take to show, upon figures, that the greater portion had reverted to the public. The Bank charter too, had, on several hands, been held up as an exceeding grievance: all he would say was, that if the terms of that charter were to be materially changed, he should think it a very unfortunate thing for the country (laughter). All he wanted from the charter was, that it should secure the bankers from having a rival establishment set up in London (increased laughter). But let him explain why (hear, hear). If there were two rival banks in London, the contest would immediately be which should get the greatest quantity of paper out: the responsibility would be quite another question. Let the house regulate the privileges of the Bank by its charter as they would, but let them guard against having a competition between two establishments in London. He felt quite certain, nevertheless, that neither the circulation of country bank notes, nor the issues of the Bank of England, had in any degree worth mentioning contributed to the late commercial speculations. England was a country in which every thing like mercantile speculation was sure to be pushed to the utmost. Only open a new field for effort of any description, and the effort was sure to be made. The fact was, that it was by bills of exchange, and not by any country notes or bank issues, that the enormous capital used in the late speculations had been provided. He believed that he could address himself to one banker who was a member of that house, and who, at one time, had held in his possession from three to four millions' worth of merchants' acceptances, which he had discounted. That which had been called abundance and surplus of capital, had, in fact, been abundance and surplus of paper; not country or London bank notes, but bills of exchange—some good, some indifferent, and some very bad indeed.—The country was still rich and powerful, and all might do well if ministers would apply themselves mainly to the restoration of that confidence which had been interrupted.

Mr. Baring said, that he was convinced that discussion from day to day, whatever might be its result, would have the certain effect of aggravating the difficulties under which all interests at present were labouring. What the country wanted mainly was, that the question should be set at rest: but if the house were to go into a committee, and argue the subject at length, so long as that discussion lasted, the country would be kept upon the rack. Under such circumstances he felt it his duty to take the sense of the house at once upon the proposed measure. He felt most strongly that it was an ill-advised measure—that it would add to the distresses of the country, but that whether carried or rejected, the sooner it was dismissed the better; and he should therefore move as an amendment, the following resolution—"That it is the opinion of this house, that, in the present disturbed state of public and private credit, it is not expedient to enter upon the consideration of the banking system of the country." What he meant to embody in this resolution was an opinion common, he believed, to all the opponents of the proposed measure, and as to which therefore there could be no dispute among them—to wit, that the state of the country at the present moment was an unfit one for making experiments. As far as he was concerned, if the house supported ministers against him upon this division, he would consider the issue as decisive, and give

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no further opposition to the measure, which, if it was to pass, he desired should pass as speedily as possible. Before dividing, however, he thought it his duty to say a few words, and would in the first place desire to call attention to the very peculiar situation in which the country stood. No man who had known the country, however long, and its commercial affairs, had ever, he would venture to assert, beheld so entire an absence of confidence as existed at the present moment. For though a very clever speech, like that of the right hon. gent. (Mr. Canning) delivered in the House of Commons, might conciliate and give confidence to those who heard it; yet to the country at large (who did not hear it) that confidence would not extend; and the practical necessity which many people would find, notwithstanding that speech, of paying up immediately all sums that were due from them, would tend very much to interfere with their admission of the right hon. gent.'s flattering and conciliatory views. Let it be recollected that, in spite of all eloquent speeches, the house stood in this situation—the men of business in it, from one end to the other, told the right hon. gent. to beware. He (Mr. Baring) did not think there was one banker or merchant in the house, on whatever side he might be accustomed to vote, who ventured to say he thought this measure could be carried without injury to the country. On the other side there was great strength in the way of talent—great reinforcements from the Temple, and from Lincoln's Inn—great force of those who studied from books, and held practical men in very great contempt—but no other man of business but the hon. member for Midhurst (Mr. J. Smith); and all he said, even after the eloquent address of the rt. hon. gent. (Mr. Huskisson) was, that, upon the whole, he should be inclined to vote for the measure. And moreover, with all the brilliant eloquence of the rt. hon. gent. (Mr. Canning) who was a great orator, a profound statesman, and possessed a hundred other qualities calculated to persuade and to attract admiration, that right hon. gent. would not feel offended if he (Mr. Baring) said, that, upon a point like the present, he would prefer taking the opinion of the right hon. gent. on his right hand (Mr. Huskisson). The right hon. gent. (Mr. Canning) seemed to him to stand pretty much in the situation in which Lord Chesterfield, in part of his correspondence, expressed himself once to have been placed. "Some plain man," said his lordship, "from a corner, made a long, heavy discourse upon the matter, which he understood very well; but he mumbled and stammered so that nobody cared to listen to him. I then got up, and without knowing any thing of the subject at all, made a brilliant and dashing speech upon it, and, on concluding, carried every thing before me." Let the house, however, resist the effect of this kind of fascination, as far as they could do so, and look at the question coolly. What he said was—do not lose sight of what should be done eventually; do not forget what it will be wise to bring our currency to; but first sooth and quiet the country, and then come, if you will, with your experiments, which, however ingenious they may be, if put in practice at the present moment, must be brought about at the expense of very considerable suffering. The chief difference, in fact, between him (Mr. Baring) and right hon. gent. opposite was, as to the question of time: and upon that question,

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he thought the men of business in the house were better qualified to judge than the abstract reasoners. The one-pound notes, which there was this hasty anxiety to get rid of, had a great deal laid upon them for which they were no way bound to answer. The country bank notes were charged as having caused or aided the late unreasonable and visionary speculations. This was all a mistake: the fact was, that the bubbles, every one of them, were town made. It was the country booby who was the dupe to the London sharper. London, Manchester, Liverpool—these were the spots in which the vile schemes of speculation had been invented—places in which no country one-pound bank notes existed. If the notes had nothing but the speculations to answer for, he would venture to say that they stood entirely clear. With reference to what had been said of the offence against the prerogative of the crown, he was entirely at a loss to imagine, upon what principle it could be shown that making a one-pound note was a greater offence against prerogative than making a five. But he neither defended nor supported these notes upon principle; he agreed that they were a nuisance, and a nuisance which ought to be abated: and, if no other argument could be adduced against them than the danger to which they exposed the working classes, that alone was sufficient. Besides, he agreed that, by taking away the notes, it would be possible so to saturate the country with gold and silver that we need not mind the loss of any quantity which would be carried away by such an accident as a fluctuation in the exchange. The only question between him and other gentlemen was, that of time. Some of them put the case as if the present instant were all that was to be considered. It had been argued that now was the time or never. The argument seemed to treat them like children. If they had a duty to perform—if the country bank small note circulation was inimical to the welfare of the country, who could doubt but that when the proper period should arrive, the house would do that which would become its dignity and functions? What need, then, of this precipitancy? The case was put always as if the paper circulation had grown up purely by the connivance and contrivance of the Bank and the Government. It was the parliament who had raised the paper circulation; and then came the new theorists calling upon the house to reverse all their former proceedings. These persons, when once they got the patient within their power, proceeded with their operations upon him, whilst his agony and suffering caused no remorse or abatement in the rigour of their practice. If any practical man would get up and say that this measure could be carried into effect without great suffering, he would give up the point. But until then, he must conclude that the *rt. hon. gents.* were taking great responsibility upon themselves, by urging on so bold and speculative a measure. Two years ago he had expressed the opinion which he now held, that in the manufacture of silk the English artist could not compete with France and Switzerland. The *rt. hon. gent.* (Mr. Huskisson) and his colleagues entertained a different opinion. Suppose now, that the Government, and those who sided with them, should finally discover themselves to have mistaken the subject. Was not one mistake enough at once? A great deal was expected from that measure

of taking off the restrictions on the importation of foreign silk. He was convinced that those who entertained such expectations would be deceived. But why, in the same year, should it be necessary to do something else which must aggravate the distress which was now felt in almost every country town in the kingdom? The *rt. hon. gent.* (Mr. Huskisson) could not possibly be aware of the real state of the country; he could not—it was plain from his declarations, that he did not—understand the cares and anxieties which beset thousands as to their ability to pay according to their undertakings. But suppose they should be right in one of those measures, why should they persist in making this great experiment on 300,000 or 400,000 manufacturers, who would in all probability be deprived of the means of existence? Why not be content with one difficulty at one time? To say the least, either of those measures was a novelty. If they resolved to try this novelty in regulating the currency, why choose that very time for trying, the first time in the lives of any of them, the experiment of a competition with France in an open trade in silks? Suppose that they should afterwards see their mistake. Ruin would fall on millions, while at the same moment the country would be labouring under the accumulated distress which must be incidental to the withdrawing of a considerable portion of the currency. Trade, already in a state of great confusion, would be still more confused; and by the middle of the year they might witness such scenes as were acted throughout the country in 1819. The Blacking-man (Mr. Henry Hunt) would go round, aided by crowds of itinerant patriots. The stomachs of the unhappy people being empty, their credulous ears would be open to all suggestions of sedition and discontent. He must pronounce this policy to be the most foolish risk ever incurred by any administration.—Now for a few words on a very important part of the case. When this discussion opened, he had stated the awkward and ill-managed contrivances of Government in resorting to the Bank of England for aid, when they might have raised money far more easily and economically, the 3 per cents. being at that very period at 95. He had stated that at the end of the American war, the Bank had all but stopped payment—in 1797 it did actually stop payment. In both these cases the causes assigned for the pressure on the Bank, both by the Bank and the Government, were the aids given by the Bank to the Government. The Bank had subsequently made money abundant, and, when abundant, had very suitably and safely contracted that abundance. The *rt. hon. gent.* (Mr. Canning) found fault with the statement which he had made of the Bank having 24,000,000*l.* locked up by Government, as being uncandid and unfair. How did the case now stand, according to the admissions of the *rt. hon. gent.*? The amount of Exchequer-bills he did not attempt to overset. As to the dead weight, however, which (Mr. Baring) took at 8,000,000*l.*, the *rt. hon. gent.* took it at 5,500,000*l.* The dead weight actually paid in July, 1825, was 6,917,000*l.*; the dead weight paid in January of the present year was 1,100,000*l.* The *rt. hon. gent.* deducted the advances made by Government towards the current payments, but did not seem to take into the account that these advances were, in fact, already disbursed by the Bank; though it might be very true that upon a scale of four years, during which the



annuity continued, they would be refunded with sufficient advantage to the Bank. But how did this disprove that the Bank had already 8,000,000*l.* of their present capital locked up in the dead weight? With respect to the payment by the Bank of the dissentients on the reduction of the 4 per cents., he had taken it at 2,000,000*l.* The *rt. hon. gent.* gave it at about 4,000,000*l.*; so that here he had been mistaken, and had calculated it at too little by 1,500,000*l.* As to the deficiencies, they were, it was true, received again and again, and perhaps most frequently within the quarter. What he had said was, that at a particular period, and one of great difficulty, the Bank was in advance with those deficiencies: so that altogether it had locked up, by the wants of Government, no less than 24,500,000*l.* It was true that Government had cash at the Bank usually to the amount of 6,000,000*l.*; but that money was continually subject to be recalled, and appropriated by the vote of parliament. He begged the house to recollect that his comparison had been drawn between the present period and 1797; at present the Government had 24,500,000*l.* of the capital of the Bank engaged in its transactions; in 1797, the Bank had only 10,000,000*l.* locked up by the wants of Government, and then the Bank was obliged to stop payment. He differed from those who thought that the country could not go on under its present burdens. He did not wish to urge his own sentiments beyond an amicable difference of opinion; but he thought that with care and management in the state, with a rigid economy enforced in every department of Government, and a disposition on the part of the people to bear something more than the mere burden of providing an income, all might yet go well. It had been said that though the Bank had so largely accommodated Government, yet that there could be no embarrassment, because it held Government securities and Exchequer-bills to an equal amount. In a time of difficulty the Bank could not raise 5*l.* upon these securities. He was convinced, when he heard that the Bank was disposing of Exchequer-bills, that it would lead to considerable embarrassment, and the result had shown that the derangements of the money-market were aggravated by the Bank just at the time of selling their Exchequer-bills.—As to the immediate question, he would say, leave the thing alone for the present. Whatever number of bank-notes had been out, they were now very considerably diminished; and the state of the country rendered any precipitate contraction of the remainder highly inexpedient.

Mr. *P. Grenfell* differed from his *hon. friend* (Mr. Baring), upon the question of time. As a practical man, his opinion was that, not only might this measure be carried with safety, but that there could be no permanent safety for the country without it (cheers). There was not a single practical man who would attempt to deny that the one pound note system was a nuisance which ought to be abated; that the evils which now afflicted the country originated in those notes, and that one of the remedies for those evils was to do away with that circulation (cheers).

Mr. *Brougham* did not wish to take up the time of the house at this late period of the discussion; but in a question of such importance he could not satisfy his mind by giving a silent vote. He begged his *hon. friend* (Mr. Baring)

to excuse him for stating the reasons which caused him to differ from those sentiments which he had so candidly professed—though for any real difference between them the question seemed to offer scarcely any ground. His *hon. friend* admitted that a recurrence and a speedy recurrence to a metallic circulation was necessary to the safety of the country, and he was also of opinion that all the small notes should be drawn in, because without this, his *hon. friend* fairly admitted that it would be utterly impossible to arrive at that most desirable and necessary reformation of the currency. Thus far they were agreed, and the only question, as his *hon. friend* very handsomely avowed, between him and those who differed with him was, as to the point of time. To that he directed his attention, and he hoped to convince his *hon. friend* as a practical man, that the reasons which were urged for postponing that measure were those which were most strongly in favour of carrying it immediately. Without denying the consequences of over-trading and the effects of the panic which was consequential upon its failure, it was manifest that the mischiefs of that panic and over-trading were greatly aggravated by the circulation of 1*l.* and 2*l.* notes. It could not escape their observation, that when a run upon a country bank took place, and fear overtook the minds of its customers, it did not begin among those who had large balances to claim, and who held notes of a superior denomination, but the run came first from the poor holders of 1*l.* and 2*l.* notes—persons who had scraped together 20*s.*, 30*s.*, or 40*s.* The failure of the banks had led to a diminution of that circulation. It was not possible, then, for a more favourable opportunity to occur: and if the resolution were not now taken to abolish the small notes altogether, how were they to entertain the shadow of a hope that it would ever be taken at all? Further, upon the question of time. He thought he had heard his *hon. friend* mention the period of a year. The resolution of the Chancellor of the Exchequer gave from two years and a half to three years for this operation. But suppose it should be now deferred—how were they ever to hope for a more opportune season? Should things go worse, then the same argument would recur of the inexpediency of aggravating the existing distress. The *hon. gent.* did not condescend to show the house how they were to mend matters by this delay. Was it, he wished to know, by increasing the indisposition of the bankers to accommodate their customers? It was true, that the doing away the small notes could not leave either the banker or the customer in exactly the same circumstances. But he apprehended that any man of credit, of untainted credit, might have from his banker, not the illimitable supplies which had followed after the period of 1819, but such aid as his circumstances would justify a prudent man in advancing—namely, in proportion to the means which he really might have in possession to secure repayment. He apprehended, also, no such extinction of the currency as was anticipated, but rather that the small note circulation would be gradually replaced by the coming in of the metallic currency. And if it were to happen otherwise, and according to the predictions of those who would delay the extinction of the small notes, then the postponement would have no other effect than that of bringing out the small notes again, and again driving back the gold: so that,



whether they advocated the delay of a year and a half, or three years, or the whole time up to 1833, the answer would be equally effectual. To whatever period they might postpone it, the paper, as before, would immediately displace the gold. This was against theory, but their own experience had shown it to be fact. Gold and paper would not hold together in the same circulation; the 11. notes would infallibly take the place of the gold. Then, as he said before, at the expiration of the period, whether a year or three years were assigned, they would have to combat the self-same objections. Should distress prevail, or even the apprehension of it, they would be warned not to aggravate the evils. If, on the contrary, the country should be going on smoothly, "Oh! we are so well at present, that we could not desire to be better. Do, for goodness sake, take the advice of your forefathers, and the wise men who have gone before you, and let well alone." It was a cardinal rule with them not to change when things were going right—"don't try to mend what is right already: if you do, you will make it worse," and so forth. The present was the proper period for effectually securing a return to a purer currency, which they had so often and so anxiously attempted, but never with a prospect of accomplishing it so easily.—He had observed that the opinion of the theorists went in favour of a paper circulation convertible into gold, it being supposed by them (and he confessed that experience alone had shaken his firm belief in the same theory) that a paper payable in gold by law, on demand, could never exist in excess. In the 11. and 21. notes he had found a manifest and most undeniable exception to the rule. Whether it arose from the liability of the holders to be prevailed on to accept such an issue in consequence of their mean circumstances, want of experience in money affairs, or that their minds were more powerfully acted on by the opulent people about them in the way of intimidation as well as persuasion, certain it was that by that channel the small note currency did flow in and fill those crannies in the circulation which could not take in, much less contain, the paper of larger denomination.—As to the preference given by his hon. friend to silver instead of gold for the standard, his reasons for objecting to it were briefly these:—Gold was less variable, there being scarcely any thing to account for in its use, besides the wear and tear of the coin. Whereas silver was produced in much greater abundance; and what with the application of the skill and capital of the old world to the mines of the new, and the discoveries of mineralogists, the value of silver was likely to undergo a very considerable diminution.—He wished, in whatever they did, that care should be taken to prevent the country from being led away by false and delusive hopes, as if the danger had wholly passed away, and the recurrence of it having been completely prevented, that there was nothing to wait for but the return of sunshine and prosperity. He expatiated on the prospect of the difficulties which the country had, in all probability, yet to go through, which might be found yet scarcely to fall short of those dark and dismal scenes which had been witnessed within the last three weeks. It would be for those who pretended that any distress which might hereafter arise would be ascribable to this measure, to reflect, that if they were to stop short in their career now, and

do nothing more,—nay, if circumstances were to be suddenly restored by some miracle to the same state in which they were six weeks ago, the mischief that had already occurred must produce a diminution of consumption which, he had no doubt, would ere long, he was sorry to say, be felt in other quarters. He looked forward with dismay, and it gave him pain to mention it, to the distress of the agriculturists; and all the consolation he could offer them for the sufferings they were about to undergo, and all the comfort they could offer another class who were now undergoing misery which was deeply to be deplored, and for which misery this measure did not pretend to be a remedy—all they could offer as compensation to this most numerous and honest class,—he meant the poor working class, was a steady and unvariable currency in which they would in future receive and make payments; one which would not expose them to those risks to which they were at present obnoxious, and which, it was well known by every person who had resided in the vicinity of those banks which had failed, had produced miseries with which those that the lowest state of wages, caused by the greatest depression of trade, occasioned, were not to be put in comparison, inasmuch as the former amounted to an absolute loss, and the latter, to whatever extent it might be carried, only amounted to a diminution.—These were the observations which he had to offer to the house; and, concurring with his hon. friend (Mr. Baring) in believing that whatever difference of opinion might exist respecting the principles and details of the measure itself, they were all agreed in this—that suspense upon the subject, in the present state of the capital of the country, was the worst evil to which it could be subjected, he was most anxious that the question should be set at rest as speedily as possible.

Mr. Canning expressed a hope that as they were all agreed that the sooner the present suspense was put an end to the better, they would adopt the understanding that the present division should be considered as decisive of the main question.

The house then divided, and there appeared for the amendment, Ayes, 39—Noes, 222—Majority for the original motion, 183.

The house then went into a committee, when

Mr. H. Gurney proposed, as an amendment to the original measure, that the small notes of the Bank of England should be excluded from its operation. He urged this proposition on the grounds that the same inconveniences did not attend the circulation of Bank of England notes which were alleged against country notes, whilst the issuing of the former in emergencies like that which had lately taken place was calculated to produce essential benefit to the public.

The Chancellor of the Exchequer, although he admitted that the circulation of the Bank of England small notes was not liable to produce the same inconvenience as small country notes, because it possessed a greater control over its issues, was nevertheless not disposed to acquiesce in the present proposal: for it would be invidious and unjust towards the country banks to put them in an inferior situation, when if there were any truth at all in the arguments used against the principle of the present measure and the time of its adoption, it would be most inconsistent to exclude the Bank of England from its operation.



Mr. *Maberty* referred to the state of the paper currency, and its effects in Scotland, to show that the consequences ascribed to the circulation of 11. and 21. notes did not attend it there, which they would have done, were the principles of the *rt. hon. gent.*, which were general in their application, correct. He wished to know what course the Chancellor of the Exchequer intended to pursue towards that country.

The Chancellor of the Exchequer referred to his former statement for the grounds on which he had shown that the same principles did not at present apply in Scotland and Ireland as in England, and therefore he had not mixed them up on this occasion.

Mr. *Hume* said, he rose to protest against being supposed to agree with the principle which had that night been adopted. He thought paper convertible into gold by law, as under Mr. *Peel's* bill, the very best kind of currency.

Mr. *Peel* said his bill was founded upon the principle of Mr. *Ricardo*, of paper convertible into gold, but its object was frittered away by the permission granted two years afterwards to country banks to issue 11. and 21. notes at pleasure; but for that there would not have been at the moment a 11. note in the country.

Mr. *Baring* supported the amendment; for, although it might be expedient to restrain the country banks in the circulation of 11. notes, yet a power might with propriety be reserved to the Government, to direct the issues of small notes by the Bank of England, in an emergency similar to that which lately occurred.

The Chancellor of the Exchequer was unwilling to reserve an exclusive privilege for the Bank of England. The Bank had the power of issuing them now, and would continue to have it, up to the period at which it was deemed advisable that their circulation should cease altogether. Besides, he hoped that no such emergency for issuing them would recur.

Mr. *H. Gurney* said, that had it not been for the issues of the 11. notes by the Bank of England at the time, the recent calamity that befel the country would have been greatly aggravated. These issues had done the greatest good; and in the event of a similar emergency, he thought that means of a similar assistance should be available to the exigencies of the country.

The house then divided.—For the amendment, 7—Against it, 66—Majority against the amendment, 59.

The resolutions of the committee to be reported to-morrow.

TUESDAY, FEB. 14.—Mr. *R. Gordon* rose to present a petition from Cirencester, which, though not numerous, was yet as respectably signed as any which had ever been laid upon the table of that house. He could personally speak to the great respectability of the subscribers, who were bankers, lawyers, manufacturers of the highest character and reputation, together with a large body of yeomanry, very worthy and reputable in their class, and several substantial farmers. All these classes of men had for the first time agreed in opinion that the ministers were wrong in the course which they were about to take respecting the currency. The petitioners prayed, that the house would postpone any measures affecting the currency, until the effects of the late panic should have subsided. He would not now trouble the house with a repetition of his own opinions upon this important subject, though

he hoped it was not yet too late to have it better understood. He feared, however, that farther opposition would be useless, and he agreed with those who thought, that as the movement was irrevocably determined upon, the sooner it was settled the better. "If it were done, when 'tis done, then 'twere well, it were done quickly."

Mr. *Benett* bore testimony to the great respectability of the petitioners, and concurred in their opinion, that a more unfortunate time than the present could not have been taken for agitating this important question. He knew it would be in vain, after the large majority of last night, to shake the determination of the Government,—a result which he had only the privilege of ineffectually regretting.

Sir *T. Lethbridge* differed from the hon. *gents.* and thought the time had arrived, when it was imperative upon the Government to do all in their power to place the currency upon a solid basis. The panic was passing away, and what was now doing would tend very much to allay the want of confidence which prevailed in money matters. He was satisfied the plan now in progress would tend to lower prices, and secure to the poor man the full produce of his industry in a coin which could not be depreciated. He had also no doubt, that the return to a metallic circulation would be carried into effect with very little difficulty, for there was gold enough in the country to fill up the vacuum, as it was formed by the disappearance of the small paper currency. There was, however, one part of the consideration which had been entirely overlooked by the distinguished speakers who had so ably discussed the question last night—he alluded to the possibility of a restriction of Bank cash-payments should a war arise, and the Government find themselves unable to uphold a circulation in specie. That was a material part of the subject, which, he repeated, had not been sufficiently discussed.

Sir *John Brydges* thanked ministers for the course they had taken respecting the currency, and more particularly for having taken it at this moment. The most fallacious system which this country had ever acted upon was that of the small note circulation.

The petition was laid on the table.

Mr. *Brogden* appeared at the bar with the report of the resolutions of the committee on the Bank Charter and Promissory Notes Acts.

On the question that the report be brought up, Mr. *Calcraft* could assure the house that his opinions were not at all altered, after hearing most attentively the whole of this protracted discussion; and, with the greatest wish to concur in the sentiments of the majority on this occasion, he felt, after giving the question the best consideration in his power, that they were going to legislate in a most improvident and imprudent manner. He wished as much as any man for a sound metallic currency; but he thought the house was proceeding to legislate without sufficient inquiry into the causes of the present disastrous situation of the country; and he was sure there was no instance on record, where the legislature, at an equally momentous crisis, had acted with equal precipitation. Some hon. *gents.* had attributed our present calamities to one cause; others had ascribed them to another. Surely, then, as they were not agreed upon this most important point, it became them to examine into and ascertain it, before they could hope to be able



to remove the effects that had been caused by it. He could scarcely convince himself that he was addressing the same body of gentlemen who constituted the house in 1822, and who almost unanimously concurred in passing the act for continuing the issuing of one and two pound notes for ten years from that period. No one had insisted that the issue of those small notes was the primary cause of our present distress; and yet the issuers were told, in despite of the act of 1822, that the only remedy for the distress was a diminution of the notes. From the best information which had been received from different parts of the country, it appeared that manufacturers were every where obliged to discharge their workmen, because they had no currency wherewithal to pay their wages. Yet, in the face of this state of things, they were called upon still further to contract, or, more properly speaking, entirely to withdraw the issues of the country bankers; for such must, in fact, be the immediate effect of the resolutions, although by the letter the continuance of the circulation of small notes was permitted for three years. He was happy that, in the course of this discussion, nothing had been said that could in any way affect the character of the country bankers as a body, although the banking system itself had met with most liberal abuse; and yet it was somewhat remarkable that hon. gents., who had for years fostered and encouraged this system, should now all at once have discovered its pernicious tendency. The whole system of trade might just as well be found fault with as the banking system, for a most nefarious system of gambling had of late prevailed to an alarming extent in most of our commercial transactions, and some of these wild speculations, he was sorry to say, had been countenanced by members of that house (loud cheers); and, owing to their having been so countenanced, had caused more disastrous consequences than the breaking of twenty or thirty country bankers.—He must confess that the division last night had surprised him extremely; but he would make bold to say, that notwithstanding the majority of votes was so great in favour of the resolutions, that the sense of the house was against them. He had never seen a majority where their votes were so opposite to their opinions. The course, in his opinion, most proper for the house to have adopted, would have been, in the first place, to have instituted an inquiry as to the cause of the distress. He himself attributed it principally to the Bank, the bubbles, and the over-trading. A pause ought at any rate to be made, until the present ferment had subsided; for, proceeding to legislate on this point in the present agitated state of the country, was like beginning to rebuild a house which had been burnt down before the rubbish had been removed. A *rt. hon. gent.* (Mr. Peel) had contended that this measure must be carried now or never; but he (Mr. Calcraft) would say, not now, because they were not prepared to legislate; he would not say, never, because he wished the country ultimately to return to a metallic currency. As far as the country bankers were concerned, he was sure that the issuing of these small notes was the most troublesome part of their business; and he was convinced, that if they were left to themselves, they would by degrees withdraw them of their own accord; but it was galling to them to have such resolutions as the present passed, which cast a stigma upon them, and

obliquely insinuated that the present distress was wholly to be ascribed to these issues. With regard to the proposed plan of joint-stock banks, he was convinced that country bankers of good credit had nothing to apprehend from it; for, after having passed safely through the late severe ordeal, the confidence in them would be so strong as to enable them successfully to compete with any joint-stock banks; and if there could be found gentlemen willing to enter into these last mentioned establishments, he saw no objection to their formation.—He hoped that Government would do nothing to impede the operations of the Bank. Although the statement of his hon. friend (Mr. Baring), that the Bank had been choked by the Government, had certainly received a shaking, still he thought that it was true in some degree.

Mr. *Hudson Gurney* objected to the including the Bank of England in the first resolution; for he contended the six millions of country bankers' small notes, which would be withdrawn from circulation, ought to be supplied by the small notes of the Bank of England, and that it would not be possible to return to a metallic currency until the ministers wholly changed their present system of policy,—that to attempt it before this should be done, would cause a stand-still throughout the country, and plunge it into a most dreadful situation. It would also be most desirable to circulate a large quantity of silver; for, during the operation of the Bank restriction act, he knew one county where there was so great a deficiency of silver, that the workmen could not be paid their wages.

Mr. *E. Ellice* concurred with his hon. friend (Mr. Attwood), as to the distressing examples which the history of our currency afforded of the effects of that nefarious system which now, thank God, they were about to get rid of. When the Bill of 1819 passed, he (Mr. Ellice) was in a small division; not because he objected to a metallic circulation, but because he wished to have a standard accommodated to the circumstances of the country, and the contracts of individuals. However, the house passed that bill, determined, at all events, to make the experiment of compelling the country to meet all their engagements, and individuals to fulfil all their contracts, according to the ancient standard. Now, what were the consequences of departing from the principles of that resolution? Every departure from it made it more difficult to approach that period when its provisions could be carried into execution; and if the postponement which his hon. friend had recommended were adopted, that difficulty would be still more increased, and we might, in fact, despair of arriving at all at the great object so much desired. A great deal had been said about the impropriety of consulting books and theorists upon this subject; for his own part, he would never decline attending to the opinion of a sensible man, merely because it happened to be in print. His plan was to attend to the views and theories of men whom he considered wiser than himself; and, from what he had observed in the debates, he was satisfied the house had legislated in utter ignorance of the probable consequences of the measure. He agreed that it was much better to have an honest solid standard; for, under such a system, the country was more secure. It was true, that every time an attempt had



been made to approach a payment in cash, the pressure was so severe as to create general alarm. The agricultural distress in 1816 was cured for the time, by a great flood of paper in 1817 and 1818. The Committee of the *rt. hon. gent.* (Mr. Peel) sat in 1819; the consequence of which was, that we were to return to cash payments. Every one remembered the distress which ensued: the country bankers again issued their notes, whereby the pressure was removed, and was followed, in 1824 and 1825, by what was called great prosperity; but we were still farther removed from the object we had in view. He thought the Bank had been hardly dealt with. The Bank had a difficult part to perform; the merchants were pulling it one way and the Government another; and, when it was recollected that in 1819 it was declared that the Bank could not return to a metallic currency, unless the Government could repay it ten millions of the nineteen then due to it, it would be readily conceived that it would have no easy task in returning to such a currency now, when its demand against the Government amounted to eighteen millions. In his opinion, the present distress was in a great measure owing to the reduction of interest, and the increase of circulation, which had led to overtrading. If they made gold so cheap, as it must inevitably become by such measures, it would all find its way out of the country; over-issuing must go on, every one would discover there was no method of employing his money which could yield a decent rate of interest; and foreigners from every quarter of the world would step in to relieve them from the superabundance of capital. Austrians, Russians, Portuguese, Spaniards, Brazilians, Chilians, and Colombians,—all contending for the honour of taking away, under the promise of a high rate of interest, the capital so created. They would part with their good money; and, when they came to look for it, as his *hon. friend* had observed, they perceived too late that it was a very difficult matter to get it back again. He did not ascribe much effect to the domestic bubbles; for, although one individual might have cheated another or a thousand other individuals in these transactions, still the money had not gone out of the country. It was in the loans to all the nations of Europe, and all the republics of America, to every petty state, from the ideal Poyais and Greece to France and Russia, that the capital was really spent; to them was the gold exported, which the over-issue of paper had driven out; and here he would state his firm conviction, that although those countries might go on paying the interest of their loans for a while, not one penny of the original capital would ever be recovered. With their establishments, whether of war or peace, they could not pay them; and not one of the whole list, with the exception, perhaps, of France, could in any way raise the amount of their revenue so as to discharge an extraordinary demand. He looked upon the whole question then before them as a struggle between paper and a something better than paper; and although he did not consider it very safe to touch upon any part of a subject so every way full of difficulty, and in which opinions were so divided, and sentiments so liable to misrepresentation; yet he could not think himself doing his duty to his country, or his constituents, if he permitted the ideas, lately expressed by more than one *hon. member*, upon

the subject of the financial state of the country, in case of war, to pass without an observation. Members had said, what would be the state of the country, if they went to war? The *hon. member* for Aberdeen said, they could not go to war. It was impossible. Now, what, he humbly begged to ask, could hinder them from going to war, if war unfortunately became necessary? The French, in the midst of a national bankruptcy, not only went to war, but actually carried it on for many years with no ordinary success. If they went to war on assignats, what was to hinder this country from the same course (*hear, hear*)? Did *hon. gents.* suppose, that because there was a panic among commercial men, and a difficulty in raising money, the capital and means of the country were wholly gone? Did they suppose any man ruined, because he could not immediately command the means of paying all demands against him? He had frequently said to gentlemen, who had desired him to look at the financial state of the nation, and the overwhelming amount of the national debt, to whom was that debt owing? Why, to themselves,—to the nation. They were debtor and creditor; and if ever, unhappily, there should be a national failure, although there might be undoubtedly some cases of great individual distress arising from such a calamity, yet the nation would still, for all the purposes of war, retain as much power as ever. But although there might not be any diminution of power from financial difficulty, as far as regarded their external relations, he saw many reasons against postponing any longer the return to a sound state of the currency. This was the fittest of all times; a great portion of the bank paper had been changed already into gold; they had gone a great way towards the very circulation they wanted; and, although the returns were not very accurate, he believed he could venture to say, that a very small portion of the country transactions at present were carried on in private bank paper. If, therefore, they did not pass the bill for a year, they would find, at the end of that year, the whole of the country bank paper in as vigorous circulation as ever. The over-issues would again take place; the gold would return to the metropolis, and they would see people once more on the look-out for foreigners, to relieve them of their superabundant capital, by way of loan—one very great reason, in his opinion, against any postponement of the present measure. Another thing he begged to observe was, that he thought Government had obtained little or nothing from the Bank of England, when it had not acquired the power to grant charters of partnership to individuals with a limited capital. He believed that system of banking, as an *hon. member* (Mr. Baring) had observed, to be one of the most likely to tempt individuals of respectability to engage in the banking business. Many, he was convinced, would be more willing to engage in a concern where they only hazarded a certain sum, even for half the usual profit, than in the present or proposed system, when they would, for a little more profit, run the risk of losing all they possessed, by the errors or mismanagement of those to whom they necessarily entrusted the conduct of their affairs (*hear, hear*). He could not, therefore, look at the least addition to the respectability or solidity of country banks, even by the system proposed, unless they were permitted by



the Bank to make a limited capital one of the conditions on which banks might be formed. Let them look to the Scotch establishments. If the constitution of the Scotch banks was inquired into, it would be found there was as much mismanagement and loss in many of them as in those more southern ones, which had been so much abused. They had, from the idea of their composition, immense credit; and as they allowed interest for money placed in their hands, large sums were vested with them. These sums, in time of war, they placed in the public funds, then very low—say perhaps 48—and when, at the return of peace, the same funds got up to 90, then the Scotch banks were flourishing—then they were pointed out as models of good management, although the whole might be very readily explained, as the result of mere chance; but when, in times of peace, people sought to realise the profits derived from their funded property, and much larger sums were pressed upon the Scotch banks, then with the funds falling, and the rate of interest low, Scotch banking became as hazardous, and as much or more liable to loss than even that of the sister kingdom. Large sums, for which they paid a rate of interest, were to be applied in some way which would make them advantageous, and as the funds, when falling, were not to be thought of, the only way which presented itself for the return, was a discount of long bills—some even running to two years; and from thence came a series of failures, which had proved as injurious to the Scotch banks as to the English ones, and which, if rumour was to be trusted, had numbered many of them among those who were applicants to the bank of England for assistance, that they might not be compelled to sell out their deposits in the funds at the present falling price (hear, hear). That was the history of the Scotch banks, and from the experience it taught them, they might very reasonably doubt the propriety of permitting large bodies of individuals to have the power of affecting the currency (hear, hear). If they did, however, give men a license to deal in the currency, he contended that, with reference to the ground taken against the interference of parliament, they had a right at any time, not only to stop the issue of the notes under that license, but also to take into their consideration the whole system of policy pursued by those to whom they entrusted that power (hear, hear), whenever the country was overpowered by the quantity of their paper. He could not agree with the hon. member (Mr. H. Gurney), that they should put an end to the issue of country small notes, and spare those of the bank of England; for he could not avoid stating it broadly as his opinion, that the measure they were now about to adopt, was neither more nor less than the full execution of that bill passed by the unanimous consent of parliament in 1819. He had not hesitated to assert that the bill then passed would add full fifty per cent. to all the taxes and engagements, whether agricultural or commercial, of the country (hear, hear), but he had, in common with many others, consented even to that sacrifice, in consideration of the vast advantages to be derived from a sound and stable currency; the question was then, as it was now, whether they should consent to part with a little to save all, and whether, as at that very moment, they should suffer themselves to be brought to the verge of ruin, or grasp at any thing as a means of security (hear, hear). He

really could not, therefore, understand the principle of agreeing to the restriction of the issues of the country banks, and continuing those of the bank of England. There might be more security perhaps in the Bank; but there was, as they had seen, no more security of their paying in cash.—With respect to Ireland and Scotland, which he understood were to be included at some more remote period in the operation of the present measure; if it was, as he hoped, the intention of the Government to establish one general and permanent currency, why should they be excepted, even for a short period? What possible injury could be sustained by either, in the withdrawal of their paper circulation, and the immediate substitution of even a smaller quantity of specie? If they established a metallic currency in England, how could they reconcile the anomaly of a paper currency on the other side of the Tweed? Even at that moment Scotch notes were in circulation over the greater part of the north of England. That circulation did not, perhaps, amount to more than a million, or a million and a half; but the smaller the quantity, the easier its conversion into gold; whereas, if they did not take that step, the chance was, that it would very much increase, and they would find that the paper currency in the one country would place very much in jeopardy the gold in the other. Scotland, he knew, had many powerful advocates in that house; but he earnestly hoped, that if England was to pay, as had been said, a great penalty for the benefit of a metallic currency, Scotland would not be allowed to enjoy any unfair advantages from their sacrifices. If they were to have the free trade principles carried into full operation, with what consistency could they leave that trade struggling against all the difficulties necessarily dependent upon a great change, to be yet farther impeded by a circulation, which at one time might raise wages and all the necessities of life to a price higher than those of any nation with whom they had to compete, and at another reduce them so low as to produce misery and wretchedness amongst every class of society, and unsettle, in either case, all the contracts which might have been concluded before these revolutions took effect? Well had the rt. hon. gent. (the Chancellor of the Exchequer) observed, that such a state of things unsettled all the engagements between man and man, and led to those ever issues and reactions which produced such evils as they at that moment experienced. In the case of the silk trade, he was one of those who had hoped that the resolutions of the rt. hon. gent. (Mr. Huskisson) would not have been rigidly adhered to, until they had seen the benefits which were expected to flow from the alterations of the currency then proposed, and that they would not have pressed the full completion of their principles until they had bread at such a price as was paid by those nations with whom they were in that trade to contend. Without that forbearance, he feared that those principles could not be carried into execution without first involving many of the operative classes in misery, and even starvation. If they looked to the standard of prices for the last three hundred years before 1797, they would find the price of corn as often at a cheaper as at a dearer rate than that which prevailed on the Continent, and depending very much upon the nature of the seasons; but by some extraordinary cause connected with the fluctuations of the



currency since 1797, provisions of every kind, as well as corn, had been always higher here than they were abroad. When, however, they had removed the occasion of these changes, by destroying that artificial state of the circulating medium which had existed, it would appear to him very strange if, with the same standard as other countries, and their skill in agriculture, prices did not right themselves (hear). In that case there would be no necessity for bawling or petitioning for a repeal of the corn laws (hear); those laws would repeal themselves (hear). It would not then be his task to press upon the attention of the house the deplorable condition of his constituents, the silk weavers of Coventry, and humbly implore, in their name, the repeal of the corn bill. No!—The hon. member for Suffolk (Mr. Gooch)—the most virulent of its advocates, and the head of the agriculturists, would be one of the most earnest in his supplications for relief from the consequences of that act (hear). Seventy shillings would be a frightful price, with a gold circulation, at 31. 17s. 10½d. an ounce; and could only be supported by a scarcity, which would almost amount to starvation. The present measure therefore possessed, in his eyes, the double advantage of not only being a remedy for distress, which existed now, but still more as guarding against the probability of evils to come—amounting, as it did, to a virtual repeal of the corn bill (hear, hear).—There was another reason why he desired the immediate execution of the act—and that was the weakness which it caused the country to exhibit in the eyes of all Europe. It would seem as if the fabric of their credit was built on sand. Who could suppose that, after eleven years of peace, interrupted only by a few rumours at the time of the French invasion of Spain, the English funds could fall from 97 to 74, in the short space of eight months? Why it displayed a feeling of security in their credit, less than was allotted to any other nation on earth. France had been said to pay a high interest, and people were advised to beware of the danger, yet the French funds had not varied more than two or three per cent. The Austrian—the Prussian—the Danish—and even the Russian, were considered more to be depended on, and less liable to fluctuation. What could, indeed, be said, but that it proceeded from the vices of a system, which they were now, he ardently hoped, about to end for ever? For who could see, without pain, the funds of England abandoned for those of countries which must, sooner or later, terminate their engagements by a national bankruptcy? Not one of them, he repeated, but France, could ever hope to clear themselves in any other way, unless England continued to lend her good money to clear off old engagements, and with these in view, no more stable than the first.—It was time to do justice to all classes, by freeing them from a species of circulation which produced such consequences, and which was the means of inducing a man at one moment to consider himself worth one hundred thousand pounds, when, perhaps, before the returning season, he might find himself hardly in possession of fifty thousand. He felt the difficulty and danger attending the execution, as much as any man; but he preferred running all risks, rather than continue to suffer from the consequences of the present system (hear, hear).

Mr. T. Wilson did not rise to oppose the resolution then before the committee, for after the  
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division of last night, he deemed the question to be decided; nor to answer the speech of his hon. friend who had just sat down, so much as to inform the committee that every thing which he had stated last night had been fully confirmed by all that he had seen and heard that day in the city. The distress had increased, not diminished—the funds had fallen still lower—and failures had been openly talked of as likely to take place, which, if they did take place, would cause a distress far greater than any which they had hitherto seen or dreamt of. He therefore took the liberty, on the part of the commercial world, and with a view of allaying the ferment which prevailed in it, to ask the rt. hon. gent. whether, in case of his succeeding in his present measures, he was prepared with any measures for the relief of the existing commercial distresses? It might be that the bankers and merchants of the country had deserved all the reflections which had been cast upon them; still it ought not to be forgotten that they had been led into the speculations which had turned out so unfortunately, by the low rate of interest which had been occasioned by the measures of the Government, and that they had a right to dispose of their own funds as they thought proper. He asked whether the ministers, as ministers of a country which was purely commercial,—of a country which they had declared to be in a proud and flourishing condition,—of a country which they had announced to be enjoying a revenue so productive as to enable them to reduce the weight of its taxation, and a prosperity so general and solid as to induce them to change the narrow system on which its commerce had hitherto proceeded for a more generous and liberal system;—he asked, he said, whether the ministers of such a country were now prepared, because a change had occurred in the flattering picture they had drawn of it, to turn round and say to the merchants whom they had hitherto lauded for their activity and enterprise, “You are a parcel of fools and blockheads: instead of trusting to the delusive prospects which were spread before you, you ought to have disbelieved them; and instead of embracing them with ready confidence, ought to have had your doubts and misgivings?” Unfortunately, they had done otherwise; and he therefore came down to the house, and on behalf of the merchants of London claimed relief from the Government. He claimed it, however, not merely on behalf of the merchants of London, but on behalf of the merchants of the country, on behalf of the country itself, on behalf of the revenue, on behalf of the ministers, whom he had hitherto always felt proud and happy to support. He said hitherto: for though they had been excellent pilots during fair weather, he was afraid that they did not know how to steer the boat, in which he was embarked with them, during the raging storm. He would shortly state the mode in which, and the reasons why, he thought relief ought to be administered to the distressed part of the mercantile community. Instead of dealing in idle and superfluous words, he would found the whole of his reasoning on a single fact. Cotton, it was well known, was a staple in this country. He would admit, for the sake of argument, that the merchants of Liverpool, of Glasgow, and of London, had traded very improperly during the last few months in this article; and that they had bought for tenpence and a shilling a pound, that which in ordinary times cost no more than



fivepence or sixpence a pound. Could it be wished, he would ask, that the price of cotton should be reduced still lower than that lowest sum? Was the offering of it at that price a sin for which they ought to be punished? Why, they could not find a market for it at that price; no, nor at any price. Let them look at what had been done in the crisis of 1793, when a loan of 50 per cent. was made, by means of commissioners, to such merchants as were distressed for want of it, upon a deposit of goods or other security. Those who asked for a relief of threepence a pound on what cost sixpence a pound, were, he thought, entitled to receive it. When a man who was ready to deposit 100,000*l.* worth of goods asked for a loan of 50,000*l.* to preserve himself from being involved in bankruptcy and ruin, he was entitled to receive the protection which he asked, if not for his own sake, at least for the sake of his clerks, of his connexions, of his correspondents, of his bills, which, if they were protested, would be sent back to Glasgow, to Liverpool, and elsewhere, and create misery and disaster wherever they went. His (Mr. W.'s) situation, as one of the representatives for the city of London, might perhaps blind him to the importance of the question he had asked; but if he had any common sense whereby to judge of it, he conceived that he was fully justified in saying that there never was a crisis which more imperatively demanded from the Government the extension of some aid to relieve it.

The *Chancellor of the Exchequer* said, that though he had no reason to complain of the manner in which the hon. member who had just sat down had shaped the question which he had put to him, which was certainly neither disrespectful nor offensive in its terms, still he could not help reminding the hon. member, that if he thought his Majesty's ministers were such unskilful pilots in a storm, he ought not to have contributed to support them during the fair weather. He did not pretend to say that those who supported the measures of ministers, were responsible for the errors of those measures, in case they proved injurious instead of beneficial to the community; by no means—the responsibility was with Government, and from that responsibility neither he nor any member of it wished to shrink; but he would say, that it was a little too hard to be reproached for the weakness and impolicy of their measures, by those who had been the first to support them. Whether the present ministers were qualified to weather such a storm as now raged, it would be presumption in him to decide; but he felt himself justified in declaring, that he had endeavoured to learn something of the nature of the storm by considering its consequences, and that the measure which he had introduced to meet it was the result of the practical experience which he had acquired of its force and violence. That measure, upon general reasoning, he conceived to be just and salutary, and he was corroborated in that opinion by the view which he had lately taken of the distresses of the country. He could have no objection to answer the question which had been put to him by the hon. member. The proposition which the hon. member submitted to the consideration of his Majesty's ministers was—that they should follow the course which had been adopted in the distresses of 1793, and should issue, through certain commissioners, a quantity of exchequer bills to individuals applying for them, on the credit of their goods or other securities. Now,

in cases of this kind, the members of Government were placed in a painful predicament. They were surrounded by scenes of distress, of which the colouring was not softened by any of those who described them. They were told that it was their duty to afford instantaneous relief, and that, too, in a particular way; and if they ventured to look beyond the mere moment—if they exercised the forecast of cautious and prudent men, and if they considered not only the immediate effects of their compliance, but also the result of such compliance as a precedent, they were accused of a want of sensibility to the distresses of their countrymen, and taunted with a want of knowledge of the true interests of the nation. He did not complain of this, because it was one of the inconveniences which naturally attached to the responsibility of ministers; he thought it right to say, that it was the duty of ministers, not merely to look at the representations of distress which were forwarded to them, and at the ease which particular measures were calculated to administer to it, but also to resist the requests founded upon them, if they were convinced that a compliance with them would be productive of more harm than good to the community at large. He was of opinion that compliance with the proposition of the hon. member (Mr. Wilson), would not be productive of any material benefit. The hon. member had defended that proposition by reference to what had been done in 1793. The circumstances, however, of that case differed widely from the present. The main cause of the difficulties of those days was the external policy of the country, and the apprehended danger of internal dissensions arising out of the pressure which that external policy had occasioned to the manufacturing classes. They had something peculiar in their character, and would not afford a perpetual precedent for future advances. But in the present case, where distress arose from overtrading, which had led to the purchase of goods at high prices,—indeed at such high prices that, upon the hon. member's own shewing, they could never be repaid by the proceeds derived from the sale of them,—if they were to follow the course suggested, he (the *Chancellor of the Exchequer*) knew of no case in which they would not be drawn, by parity of reasoning, to a similar result; and then he knew not by what process of legislation they could prevent such fluctuation of prices as the country had lately witnessed from recurring almost periodically. For under such circumstances every man who was induced by his desire of gain to enter into excessive speculations would reason thus with himself—"True it is that I may fail; but then I know that I have relief in the sympathy of the public, in the feelings of Government, and in the practice of Parliament. I care not, therefore, for the consequences of my schemes: if I succeed, the gain is all my own; and if I fail, I have relief from Government." Such would be the reasoning of individuals. He therefore was bound to say that Government would not acquiesce in the proposition which the hon. member had just submitted to the house (hear, hear). If by any relief which could be administered in the money-market, Government could tender any effectual assistance, it would be found most willing to do so. If, for instance, in the absorption of the exchequer bills which were now circulating at a low rate of interest, by the purchase of them by the bank, any pressure in the money-market



could be removed, and money would find its way into those channels whereby it would reach those who were most in need of it, he should be most happy in forwarding such a measure. At the same time he would not say, nor even pretend, that this (though it might be some) would be a very effectual relief of the prevailing distress. He did not hope or pretend by small means to effect great objects (hear, hear). But if the measure was deemed expedient, and if the bank thought fit to lend itself to the purchase of those exchequer bills, he would, in the present session, bring forward a proposition for repaying the bank for whatever advances they might make for carrying the measure into effect. If Government evinced a disposition to lend itself to the furtherance of this design, he thought it was all that could be expected from it. He had learned that the conduct of Government was viewed with an unfavourable eye in the city. He could easily understand why it was so; and he had further learned, with regret, that the hon. member (Mr. Wilson) had withdrawn that confidence from his Majesty's ministers which he had hitherto placed in them. However he might regret to be deprived of that confidence, he could not, nor could his Majesty's ministers, in duty to the trust reposed in them, consent to a proposition which would establish a precedent, in its results leading to greater evils than even those we at present laboured under (hear, hear).

Mr. Robertson had listened with eager attention to the speeches of his Majesty's ministers, in which he did not discover any effectual plan for the relief of the distresses which afflicted the country. He had, from the commencement, been the person, almost the only person, who came boldly forward to blame the ministers for the situation in which the country was placed. That the country was daily declining in prosperity, and from no cause more than from the measures lately introduced by ministers, was a conviction strongly impressed upon his mind. One proof of that declining prosperity would be found in a comparison between the available capital of the country in 1812 and at the present period. According to the calculation of Mr. Colquhoun, the capital of the country amounted to three hundred and thirty millions; from this, two hundred and fifty-six millions, as appeared by the present calculation, were withdrawn in various ways, leaving little more than seventy millions to carry on the industry, and promote the prosperity of the country—a capital totally inadequate for the purpose. Now his Majesty's ministers had been mainly instrumental, by the measures they recommended, in reducing the affairs of the country to this depressed state. Nor did they do so alone by the measures they introduced themselves, but also by those which, by timely interposition, they might have arrested. When the madness of speculation was at its height last year—when so many associations, which it was not improper to term illegal associations, were forming, they might have put a stop to their formation; whereas, instead of arresting their progress, they not unfrequently encouraged them in a great degree by many of the supporters of administration becoming members of them, and by omitting in any instance to offer an effectual opposition to them. This omission on the part of ministers to oppose them, gave the people a confidence in them which they otherwise would not have had.—Another

striking instance, in which the declining prosperity of the country was apparent, was in the inability of the English merchant to compete with foreign merchants so successfully as he had formerly done. Previously, the English merchant made large profits, which enabled him to cherish manufactures; but now that wholesome, salutary connexion, which subsisted between the commercial and manufacturing interests of the country, was interrupted. Such was the nature of existing restrictions, that the property of merchants was locked up in docks, and otherwise, and they were unable to advance their capital for the relief and advantage of the manufacturers, as in better times they had been used to do. The distress which this occasioned among the manufacturing classes of the community was daily spreading; and unless something should be done effectually to arrest its progress, it would be impossible, in a short time, to apply a remedy to them at all. For this purpose, nothing appeared to him at once so simple and effectual as the advance of exchequer bills. It was clear that the commercial men could not make any thing like adequate advances to the manufacturers. The labouring class must, therefore, inevitably be deprived of employment, and the landed interest must suffer from the decreased consumption which would ensue. Nothing but the help of Government could prevent this: if they did not step forward, rents could not be paid, and before the end of the year the whole country, from one end to the other, must be reduced to the most disastrous condition. With respect to the bill before the house, he was friendly to the principle of cash payments, but he thought this was not the time for carrying it into execution.

Sir H. Parnell said, that although he approved of the measures of ministers, as far as they went, he did not believe they would have the effect of placing the banking system on a firm footing. He was disposed to attribute to the conduct of the Bank of England the distress which now prevailed, and he thought that before any thing effectual could be done to remedy it for the present, and to prevent its recurrence for the future, the exclusive privileges enjoyed by the Bank ought to be done away. In the view which he took of the conduct of the Bank, he was surprised to find that he was confirmed by gentlemen who were usually opposed to each other, but who agreed in opinion that the distress had been occasioned by the over-issues of the Bank. The hon. member (Mr. Baring), and that class of persons who were called "philosophers," used nearly the same language in speaking of this subject. He did not propose to investigate this subject at length, but he repeated that until the exclusive privilege of the Bank should be done away with, the same distress must frequently recur, from the powers possessed by the Bank of interfering with the currency. The great object they had in view must always be the interest of the proprietors; to this the interests of the country would always be secondary, and in the present state of things often subservient.—He should like to know what objection there could be now to Mr. Ricardo's plan of paying in bars of gold. Surely, during the late run, that would have been a prompt means of relieving the inconvenience which had been felt. With respect to the suggestion of the hon. member for Taunton, that a silver currency should be adopted, he



thought such a measure highly objectionable. Silver, he was aware, might be made use of with great advantage on some occasions, but without disturbing the present mint regulations. To make silver a legal tender on all occasions would be inconvenient and injurious; but he saw no reason why the Bank should not be permitted to make *bond fide* payments in silver bullion, the price being regulated by the actual value of gold. He could not refrain from expressing his surprise, that in the course of the discussion to which this subject had given rise, no mention had been made of the influence which the usury laws had had on the general distress. The effect of those laws must of necessity have been highly injurious.—Mr. Tooke stated, that in some instances property had been sold at a loss of 30 per cent., owing to the necessity the owner was under of raising money, and which those laws precluded him from doing on more advantageous terms. A banker had told him that instances had come to his knowledge in which, under similar circumstances, a loss of 90 per cent. had been incurred. There was not the shadow of a reason why these laws should be allowed to keep their place in the Statute Book; but since the opposition which had been made by the country gentlemen had been so powerful, he would suggest that the commercial world might be relieved by those laws being repealed, so far as related to discounts; leaving mortgages and other real securities to stand upon their present footing.—He concluded with stating his opinion, that for the immediate relief of the distress, three measures should be adopted—The withdrawing the exclusive privileges enjoyed by the Bank of England: The granting them permission to pay in bars of bullion: and, The repeal of the usury laws as far as regarded discounts.

Mr. Alderman *Brydges* expressed his opinion, that if the measure of issuing exchequer bills, which had been successfully resorted to in 1793, was not now again adopted, the distress which already pervaded the country would be increased. At present, a stagnation had begun in some of the most important of the national interests; and unless something was immediately done to prevent its progress, and to restore confidence, the consequences would be more dreadful than he could venture to contemplate.

Sir *F. Blake* complained that the opposition which the administration had experienced in this measure, had arisen from that spirit which existed in many, of denouncing whatever measures the Government could pursue. But let them denounce the measures of Government as the member for Grampound (Mr. Robertson) had done; he did not find fault with them. Let them go on, and seize his Majesty's ministers, and tear them to pieces (loud laughter). For his part he rose on the present occasion to thank ministers for the conduct they had pursued, and to request that they would persevere in the liberal line of policy they had adopted, notwithstanding the gloomy apprehensions which some gentlemen on his side of the house seemed to entertain. Something had been said of a combination between the two parties in the house: he knew of none; but if there were a combination, he did not know upon what grounds it could be objected to, when its end was the good of the country. He hoped that as soon as the circumstances of the country would permit, ministers would proceed to carry into active

operation the principles of free trade without any restriction whatever.

Mr. Alderman *Heygate* said, that ministers, in the opinions which they expressed, and in the conduct which they proposed to adopt, neither consulted the interests of the country, nor agreed with those persons who usually supported them. The aristocracy and the landed interest, by whom all the measures of ministers were usually upheld without any hesitation, were upon this occasion wholly at variance with them. Every body out of doors was of a different opinion from them, and every one who spoke plainly avowed that the country was sacrificed to a cold-blooded theory. Excepting only the members of the Political Economy Club, there were no persons to be found who approved of the conduct of ministers. Every body else believed that the country was on the eve of a convulsion, and that the measures proposed were calculated to aggravate and hasten it. By whom were the proceedings of ministers approved? Who supported them and cheered their statements? Not those who sat beside them, and who were usually the most vehement of their cheerers; but those who at other times were their bitterest opponents—gentlemen on the Opposition side of the house. This fact could not be disputed—that the country was reduced to a degree of unprecedented suffering. At this moment it was necessary that fine principles should be forgotten, at least for a while. Ministers might say what they would—they might carry the measures which they proposed in that house, but he defied them to carry them into effect generally. They must show some sympathy for the sufferings of the people, and do something for the substantial relief of those sufferings. Nothing could be more disgraceful than the want of a proper circulating medium. Exchequer bills were at such a discount that they could hardly be sold at all. The discount was now 20s., and to what it might fall it was not possible to guess. This fact, if it stood alone, proved the necessity of some immediate alteration, and of some measures more satisfactory than those which ministers had yet proposed.

Mr. *Hume* wished that when the worthy alderman was abusing the system of free trade, he had pointed out what particular part of the system he objected to. If the worthy alderman alluded to the measures adopted by ministers last session, for the removal of the restrictions upon trade, there could be no doubt that those measures had met with the approbation of the whole house, and of all classes throughout the country; and, therefore, the country could not possibly show such a want of good sense, as to turn round and find fault with the operation of that which they had approved of, and which had done, and was doing, so much good. The worthy alderman seemed to have very vague notions upon the subject of political economy: he would inform the worthy alderman, that political economy meant no more than that good government of public affairs, which the worthy alderman, no doubt, wished to see established in his private and domestic affairs. The worthy alderman was an advocate for every man's being allowed to do with his private concerns whatever he pleased, provided it did not annoy his neighbour, and this was the great principle of that science of political economy which the worthy alderman seemed to view with such confused



and suspicious optics.—The worthy alderman asked why the Government did not issue exchequer bills? Now, he must know, that the exchequer bills already in circulation were at a discount, and if the amount were augmented, the depreciation would be proportionately increased. The result might be that the revenue would be collected in Government paper, and ministers would thus be left without means. He should be sorry that the transactions of the Government should incur the risk of being interrupted by the issue of exchequer bills. It was hard upon ministers, in their present difficulties, that they should be taunted on the score of their liberal system of commercial policy, by persons who had no projects of their own to suggest. He understood the meaning of the Chancellor of the Exchequer in his last speech to amount to this, that Government would grant an accommodation to merchants if they could, but they had it not in their power to do so, without anticipating greater evils.

Mr. Alderman Wood said, that his Majesty's ministers, he was sorry to say, had something much better on the present occasion than what the worthy alderman (Heygate) had reproached them with not having; for, if they had felt a very grievous lack of cheers to their speeches, they had found a most plentiful supply of votes at the conclusion of the debate (loud laughter). Although the present state of affairs was certainly very distressing, it was better to let matters go on without any legislative interference. An issue of exchequer bills under present circumstances would, he thought, produce no benefit. The worthy alderman must have known, before he left the city that afternoon, that two great houses intimately connected with foreign loans had failed. Foreign stock, too, had fallen very low. Under these circumstances, relief therefore could not be given by any issue of exchequer bills. In point of fact, an issue of exchequer bills would pull down those who received them as an accommodation. Many of the private bankers had lost from sixty to eighty thousand pounds by the fall of exchequer bills, and more would be lost if more bills were issued. The worthy alderman had said, that he had driven Mr. Canning out of the house by one of his speeches (a laugh). He must confess that he had had the same effect last night upon him (Mr. Wood), for he had gone out of the house with the worthy alderman, and he was sorry to say, had found himself in a very small minority.

Mr. Attwood contended that the Bank were bound at the present moment to carry into the market all exchequer bills and other Government securities in their possession, and sell them at whatever price they would bring, and with the produce to afford assistance to merchants by discounting their bills, or lending them money on security. That was a proceeding perfectly consistent with political economy. Merchants had a right, in a commercial point of view, to call upon the Bank for relief in their distresses.

Mr. Pearce said that the Bank, within the last six weeks, had, in the most unlimited manner, assisted in relieving the distresses of the country in so far as they had been brought to their knowledge (hear, hear). They still continued to feel the same desire to assist the mercantile interest. At the present moment, the discount of merchants' paper by the Bank was going on to the utmost possible extent, provided the paper was good. But all the assist-

ance which could be afforded by the Bank was not sufficient to meet the public difficulties. There was a class of merchants possessing great property, who yet were not in a situation to present bills to be discounted. To this class accommodation might be best granted, as it had been on former occasions. He agreed with the Chancellor of the Exchequer, that the measure to which he alluded should not be too frequently adopted. It should only be resorted to in extreme cases, and not when individuals might have been induced to enter upon extravagant speculations in the hope of obtaining such assistance. He thought, however, that the difficulties of the present period would authorize the adoption of such a measure. It was notorious, that at the present moment, merchants of the highest respectability were in a state of great embarrassment, being left without the means of carrying on business. He suggested, as an immediate mode of granting accommodation to merchants, that Government should issue exchequer bills under commissioners as had been done before. He would recommend that the bills thus issued should not bear the same interest as those issued by Government, but should be delivered at the highest rate of interest—namely, five per cent. One reason he had for wishing the exchequer bills to bear that interest was, that they would then never, in all likelihood, find their way into the Bank. The bills would call forth the money which was at present locked up. Many country bankers had at present large sums in their hands unemployed. They would not discount merchants' paper, and did not like to lend money on the exchequer bills at present in circulation on account of the low rate of interest which they bore. If commissioners were authorized to issue exchequer bills of the description he had mentioned, to the amount of five millions, the measure would have the effect of restoring confidence throughout the country (hear, hear). So effectually, indeed, did he think the measure would tend to the restoration of confidence in pecuniary transactions, that he was of opinion the commissioners would not find it necessary to issue more than half the amount of bills placed at their disposal, and that half never would find their way into the Bank, but would be taken up by parties who now kept their money locked up (hear, hear).

Mr. W. Smith could not concur with the hon. member (Mr. Attwood), that the Bank were bound to sacrifice a part of their capital by selling Government securities at any price they could get, in order to assist the mercantile interest. Still he was of opinion that something might be done to alleviate the present distress. What was the state of the case? Merchants had on hand a large quantity of goods which were unsaleable, and they were driven to an extremity, from the want of money, to pay bills which, it might be, had been improvidently incurred. This state of things occasioned a great deal of public distress, which involved persons who had never embarked in any transactions which could justly be designated improvident. The Chancellor of the Exchequer said that Government could not enter upon the consideration of those questions, but were compelled to withhold their assistance, lest by affording it they should encourage unwise speculations. That argument was, in his opinion, pushed too far. No person would enter into a speculation on the assumption, that if the speculation should fail,



and the value of his stock were reduced one-half, he might obtain one-half of its remaining value by pledging it altogether to Government. To suppose that a person on embarking in speculation would calculate upon losing 3-4ths of his capital, or 75l. out of every 100l. was preposterous. He thought, therefore, that Government might advance money upon goods without the danger of encouraging speculation. As the distress was general, some means of relieving it should be immediately adopted (hear, hear).

Mr. Huskisson observed, that as the debate had been exclusively confined to that part of the house which considered itself purely practical, he would not travel out of the line which had been pursued, after the example of the hon. member (Mr. Etlice), who had entered largely into the field of speculation. He begged to call the attention of the house to the situation in which the question had been placed by the great practical authorities who had addressed themselves to the Government and the Bank as the two parties from whom they expected measures of relief to proceed. One of the members for the city (Mr. Wilson) had asked a question of the Chancellor of the Exchequer; but in putting the question, as was very often the case, he pointed out what kind of answer he wished to have. The question was, whether Government intended to issue additional Exchequer-bills, which the hon. member said would afford effectual relief to the mercantile interest. Another hon. member (Mr. Attwood), who was considered a great practical authority on questions connected with commerce and the currency, instead of recommending an additional issue of Exchequer-bills, said that the Bank ought immediately to sell all the Exchequer-bills and Government securities they had. Now he knew not what other effect such a sale would have, except to put into the coffers of the Bank the money of the purchasers;—a proposition directly opposed to that of the member for London. If it were carried into effect, the injurious consequences which would result to all the great interests of the country connected with the circulation, were so obvious that he need not point them out. He only alluded, however, to this circumstance to show that many of those practical men who were so ready to condemn the Government for not having come down to the house and proposed some efficacious remedy for the present distresses, would not themselves, if placed in a situation of similar responsibility, be agreed as to the nature of that remedy; nay, that each of them, following his peculiar theory, came to conclusions diametrically opposite from those arrived at by the others. If bills of exchange, by which the concerns of commerce were carried on, could be procured, the Bank was willing to give every facility, and to extend its aid by discounting such bills. But, unfortunately, there was such general distrust, that the bills could not be procured; and consequently the Bank was unable to afford assistance in that direction. The hon. member (Mr. Attwood) had suggested that the Bank should take goods by way of deposit: but this, the hon. member had observed, was contrary to the maxims of political economy. Whether it were contrary to political economy or not, there was a more practical objection: such a proceeding was contrary to the terms of their charter; the Bank could not deal in goods, nor lend money upon goods.—The question was, what could be done to supply a more abundant circulation? Now, if there was one

of the principles of the committee of 1819 in which all agreed, it was this—that if a circulation was furnished by Bank notes to supply the exigencies of commerce and the wants of the country, it was immaterial whether the notes were issued on one species of security or another. In other words, it was immaterial whether the number of bills of exchange or Government securities were the greater. In other respects, indeed, the difference might be important; but with respect to the circulation, it was immaterial whether the Bank supplied issues of notes, or private traders supplied bills of exchange. Now, owing to the want of confidence, bills of exchange could not be had: they were wholly withdrawn from the circulation. Then, if the Bank of England, which was not so choked up, as had been asserted, as not to be able to supply aid to the circulation,—if the Bank felt it expedient to buy Exchequer-bills in the market with their own notes, in consequence of that species of security being so much depressed, those purchases would throw a further amount of currency into the country, and thereby afford it relief. This was the foundation of the plan of his rt. hon. friend. The hon. gent. who spoke last had said, that if we created a precedent which went to allow a party who had speculated to excess to come and ask relief, it would be highly impolitic. His rt. hon. friend had admitted that men would speculate more readily if they knew that under loss they would be sure to find relief. He (Mr. Huskisson) admitted, that if we once taught the extravagant trader and the speculator, whenever they embarked in rash schemes, that should they not get out in time (for that was the object of most of the parties) they might always expect to obtain relief from Government, it was as much calculated to encourage speculation as the poor laws were calculated to encourage improvidence among the labourers, and to discourage honest industry. Therefore, if the Bank, being at liberty, and having the means, would issue an additional quantity of paper, he (Mr. Huskisson) thought it might be done with perfect safety, under the arrangements made between the Bank and his right hon. friend and the noble lord at the head of the Treasury. This plan did not exactly follow the precedent of the hon. member (Mr. T. Wilson), but it was more practicable. Difficulties had sprung up within these three or four days; and the present plan, which could be carried into effect to-morrow, was infinitely preferable to one which required the unavoidable delay attendant upon passing a bill through parliament. Ministers were, therefore, taking that course which was freest from inconvenience and danger.

Mr. Etlice was aware that the Bank could not legally advance money on goods; but he thought there was some difference between Government advancing money upon Exchequer-bills alone, and advancing it on them with the further assurance of goods; and he believed that, although the advance on Exchequer-bills might relieve the money market, and enable some stock-jobbers to carry on their speculations with greater facility, yet no relief would be afforded to those who required it quite as much, if not more, and who had no Exchequer-bills to offer as security. He did not wonder at the difficulty of procuring bills of Exchange, for, in times like these, men were as jealous of their credit as of their capital. He had never been of opinion that this relief could be ex-



tended expressly to merchants on the security of goods, but he thought the announcement, that some relief would be afforded them, would be almost in itself sufficient. He admitted that commercial men and country bankers were equally oppressed with present difficulties, and he would put a case which would clearly show the effect of the relief to be afforded. Suppose a country banker had a mortgage offered to him, and he lent money upon it, perhaps with the view of getting his notes into circulation on a good security; suppose that, after this loan, made by the country banker, times of distress like the present should arise, and he found that his London banker would advance nothing on his account, he would be unable to pay his own bills, which in a moment might be poured in upon him,—he might say, that in six months he could get in the money on this mortgage, but his affairs could not wait for relief till that time arrived: now, if he could get Exchequer-bills on this mortgage, he might go to his London banker, and on their security obtain those advances which would not only enable him to meet his own bills, but would afford the greatest relief to the country people of his neighbourhood; and neither the mortgage nor the Exchequer-bills would ever come into the market. He knew an instance of this which had occurred a few days since, and the Exchequer-bills had there been taken and locked up in a closet of the person who advanced the money. It was no longer a question who would pay his bills; for men looked at each other almost with the consciousness that they were equally incapable of meeting the demands made upon them. He saw all the difficulties which had been stated by the *rt. hon. gent.* (Mr. Huskisson), but still he thought some facility of the kind he had proposed, might be afforded. We must get through this pinch as well as we could, and, for his part, he did not believe, that if Government consented to issue five millions of Exchequer-bills, more than two millions would be asked for, and even of that number not half would ever come into the market.

Mr. T. Wilson observed, that the temporary increase of bank paper would not afford relief to all those who were in need of it; that those persons who possessed goods could obtain advances on the security of those goods; and that if ministers would now declare they would grant half the amount in the old manner, that declaration, and its publication throughout the country by the press to-morrow, would be worth double the value in Exchequer-bills. The assurance of relief was almost all that was wanted.

Mr. Attwood having adverted to the statement that the Bank of England were interdicted from dealing as merchants,

Mr. Huskisson said, that they were precluded from dealing in all commodities except gold and silver.

The first resolution\* having been read,

Mr. H. Gurney rose to move his amendment a second time, that the words "the notes of the Bank of England" be omitted. His reason for so doing was, that, under the present circumstances, there must be a great reduction of the circulating medium. In many parts where the bankers had failed, and in many others, where, for their own safety, they had withdrawn their notes from circulation, there was an absolute want of money. This want could only

be supplied, in his opinion, by the notes of the Bank of England. He had been asked what difference there was between the notes of the Bank of England and of private bankers?—and he replied, that for the former we had as a security the whole credit of the country, while for the latter we had only the responsibility of individuals. There was a further advantage also, that the Government could immediately deal with the notes of the Bank of England without disturbing any private interests, which it could not do with private banks.

Mr. E. Wodehouse was satisfied with the amendment proposed by the *hon. member* (Mr. H. Gurney). The only objection to it, he believed, grew out of the scrupulousness of hon. *gent.* as to parliamentary consistency; but, though he had as great a regard for parliamentary consistency as any man, yet he thought it was not inconsistent, in some cases, for parliament to retrace its steps. He had sat in two small minorities on the subject of Mr. Peel's Bill, and he was persuaded that measure was not completely understood. He had never yet met any person who, when the question was brought correctly before him, had understood that measure; and he thought it would be no imputation on the consistency of parliament to reconsider it. He hoped not to be understood as stating this with any view of opposing ministers; he was ready to go along with them, and give them all the support in his power, to enable them to relieve the country from its present embarrassments. But he thought Government had taken a narrow and contracted view of this important subject; and he urged them to reconsider their determination. Unless the amendment of his *hon. friend* received the concurrence of the house, he thought they could not answer for the great distress, which, in the next six months, would exist.

The amendment was then withdrawn; and the resolutions being agreed to, a bill was ordered to be brought in on the first and second\*.

### *Issue of Exchequer Bills;—Bank Advances.*

WEDNESDAY, FEB. 15.—Mr. Herries having moved, in a committee of ways and means, that the sum of 10,000,000*l.* be raised by Exchequer-bills, for the service of the year 1826,

Mr. Hume said, that great fluctuations were occasioned by the meddling of the Bank in purchasing and selling Exchequer-bills. At one day they threw half a million of them on the market, and at another they withdrew them; thus causing the most injurious fluctuations in the prices of the funds, sometimes to the amount of five or ten per cent. This was a power which no body of men should be allowed to exercise. The Bank of England, as well as the country banks, ought to be obliged to publish quarterly an account of their paper issues, by which the public would know the state of the circulation. The fluctuation in the prices of Exchequer-bills, which had been lately at 30*s.* and 40*s.* discount, was discreditable to Government, if they had the means of preventing it; and he thought a great deal of it had been caused by the transactions of the Bank in those bills.

Mr. Maberly thought there would be but little

\* See, *ante*, p. 189.

\* See, *ante*, p. 189.



security to the holders of Exchequer-bills, until the public were made somewhat better acquainted with the nature of the Bank transactions with Government, and with their dealing in those bills, than they were at present. There were instances in which the Bank had gone into the market and made purchases so as to raise the value of those bills 20s. No doubt the Bank had a right to do so if they pleased, and they had also a right to withhold the secrets of their proceedings from the public. But he trusted that the Government and the Bank would see the necessity of relaxing a little on this point.

Mr. Irving contended that the Bank were justified in their purchases of Exchequer-bills. If the circulating medium was not sufficient for the wants of the country, no injury was done by the purchase of those bills. The principle of those purchases was the same as that of the commercial discounts. What was wanted by mercantile men was discounts for short periods, and it was of little consequence whether those discounts were afforded on Exchequer-bills, or any other property.

Mr. Bright:—If the issue of Exchequer-bills in 1793 had been productive of the beneficial effects which had undoubtedly attended it, what was there to prevent a similar issue now from operating in the same way? The present situation of the country was so very peculiar, that it would afford an ample justification to Government for deviating a little from any stern principle which they might have formed for the guidance of their ordinary proceedings. It was absolutely necessary that some plan should be immediately devised for supplying the provinces with circulating medium. If 300,000*l.* were dispersed in small sums, under the direction of skilful persons, through different parts of the country, according to their respective exigencies, it would have a better effect in relieving the present distress than any other measure which could be devised.

Mr. Pearce said, that there were occasions when it was an imperative duty on the Bank to come forward and assist the public, and he considered the present one of them. He was sorry that ministers had not been prevailed upon to listen to the application which had been made to them for an advance of money; for he was sure that sooner or later the assistance applied for must be granted, and it would have operated much more beneficially if it had been conceded at once.

Mr. Hume observed, that the Bank had the power, by their traffic in Exchequer-bills, to raise or depress the property of every man in the kingdom to a alarming extent; and it appeared from the statements of many hon. gents. who had the means of being well informed on this point, that the buying and selling of Exchequer-bills by the Bank had on several occasions operated most extensively in this way. It was, no doubt, the duty of the Bank so to feed the market as to keep the exchanges favourable. He did not think the Bank were so much to blame: the fault rested with the Government. It had been justly observed by Mr. Ricardo, that it was the duty of the Bank directors to make the best bargain they could with the Government for the proprietors. If the Government had no debt, there would be no need of Exchequer-bills. It was owing to this that the rt. hon. gent., though he admitted the present disastrous situation of the country, did not dare to sanction the issuing of 5,000,000*l.*

worth of Exchequer-bills for the purpose of relieving it, lest the exchanges should be turned against us. Had the sinking fund been applied in buying up Exchequer-bills, as he himself had recommended, the evils which had arisen from the fluctuations in their value would never have occurred; what must those evils have been when these bills had, in the course of a few days, been reduced from sixty-five shillings premium to four guineas discount? In his opinion the resolution adopted by the house the other evening was calculated to increase the present distress, by causing a considerable portion of the circulating medium to be withdrawn.

Mr. Irving wished to know if Exchequer-bills were not issued how the Bank could supply the currency? In Dec. and Jan. there were plenty of mercantile bills on which to call for issues; but now there were none, and if the Exchequer-bills were taken away, from what source could issues be derived?—The plan proposed to the Government, was one which they should not have rejected. It appeared to him that that application was treated by ministers with a great deal too much levity. They should have hailed with delight the first proposition that was made to them for relieving the country, and should not have delayed a single hour the means of affording assistance.

Mr. Maberly was of opinion that if any plan was attempted for relieving the present distress which should cause the exchanges to be turned against us, the distress, instead of being diminished, would be considerably aggravated. In his opinion the Bank might accommodate the merchants by discounts at a longer date than usual, upon having goods deposited as a security.

Mr. Hume said, that when it was considered that the Bank had eighteen millions locked up in the hands of government, it could not be expected that they could be able to afford that accommodation to the public which it would otherwise have been in their power to have afforded. Government having absorbed all their capital, the Bank had only their profits, wherewith to grant discounts to the merchants: what was the amount of these profits was altogether a mystery. No such secrecy prevailed in the affairs of any other public bank.

Mr. C. Grant was astonished to hear an hon. member (Mr Irving) declare that ministers had treated any part of this momentous subject with levity. There was one consolation in the midst of all our difficulties; and it was, that even gentlemen who habitually opposed the Government, had done justice to the feelings of his right hon. friend (the Chancellor of the Exchequer), and he (Mr Grant) was persuaded that no man, who investigated the subject dispassionately, could doubt that if even the Government had acted erroneously, it at least proceeded from a want of attachment to their duty. He could bear witness to the deep anxiety of his Majesty's ministers, and he therefore deprecated the opinion that there had been any levity in their conduct. They were assailed on all sides by devices and projects for relieving the public distresses. An hon. member (Mr Bright) had said that ministers ought not to adhere to principles; but he could assure that hon. member, that if ministers hearkened to the various counsels offered them, there was nothing in principles or morals from which they must not depart—not a single principle of policy which they must not subvert. With respect to the effect of issuing Exchequer-Bills, it appeared to him to be of little importance to the public how the Bank notes

found their way into the market, so that an adequate circulating medium were procured.

*Mr. F. Wilson:*—It had been observed that the Bank should be liberal in their discounts; but the parties to whom the Bank were in the habit of granting discounts, were not the persons who now stood most in need of assistance. Those who most wanted relief were the dealers in goods. These goods must be paid for, and if they were not convertible into money (as it was well known they were not at present), much embarrassment and distress were necessarily created amongst the holders of them. In his opinion, the issue of exchequer-bills by Government, agreeable to the application made to them, instead of causing such bills to be at a discount, would have a directly contrary effect; for the issue of them would tend materially to restore confidence, the loss of which had been one of the principal causes of our present distress; neither did it follow, that because these bills were issued that they would all be brought into circulation. He must, therefore, declare it as his opinion, that ministers were acting erroneously in refusing the application which had been made to them for an issue of Exchequer-bills.

*Mr. C. Hutchinson* was desirous that justice should be done to all parties, and particularly to the Government, for their conduct in the recent transactions. Though there might be a difference of opinion as to the merits of many of the measures proposed by Government, he thought there could be no difference of opinion upon this point—that ministers had evinced every anxiety to administer relief to the existing distress. He thought, however, that the system of Government was too expensive, and that it was the duty of parliament to make them diminish it.

*Mr. Harries* said, when his hon. friend (*Mr. Irving*) had stated that Government had received lightly the representations of distress which had been made to it, he was sure that his hon. friend could not have meant what he said; for no solicitations had ever been received with greater patience and attention than those which had recently been made to Government. He would take the opportunity of saying, that if the noble lord at the head of the Treasury, and his rt. hon. friend (the Chancellor of the Exchequer) did not comply with the requests then made to them, it was not without giving them a full, patient, and elaborate discussion, nor without being convinced that they ought not for public reasons to be acceded to.

The resolution was then agreed to.

The hon. member then brought in the *Promissory Notes' bill*, which was read a first time.

### *Bank Charter and Promissory Notes Acts.*

**LORDS, THURSDAY, FEB. 16.**—This bill having been brought in, and read a first time, and the second reading ordered for to-morrow,

The *Earl of Lauderdale* now rose to state, that several noble lords had moved for such information as they thought necessary, before the second reading came on; and it was highly desirable that their lordships and the public should have every possible information on the subject before the discussion took place. The most important part of the information which had been moved for had only been delivered that day, so that it was quite impossible that

it should be printed and placed in the hands of their lordships in time for consideration to-morrow. He believed that only that part of the information which the noble earl himself (*Liverpool*) had thought necessary was yet before the house. He therefore called on the noble earl to say whether he thought it right to proceed with the measure, under these circumstances? The noble earl would surely feel that the expeditious forwarding of this measure was nothing in importance, when compared to the necessity of convincing the public mind that their lordships had carefully deliberated, and had had at least decent time to examine and digest the information before them.

The *Earl of Liverpool:*—A considerable part of the information necessary for throwing a due light on the question, had already been many days before the house, and was printed. It was certainly true that the information moved for by the noble marquis (*Lansdowne*) had only been brought up that day, and that further information moved for by another noble lord, which was of a still more extensive nature, had not yet been produced. But, with regard to all that description of information, the noble lord must be aware that it had long since become matter of notoriety. The returns made that day respecting bank notes and bankruptcies had been produced elsewhere, or were to be found in various publications. It was the same with respect to the prices of gold and the exchanges. He therefore could not think that the noble lord had suggested any ground for putting off the proceeding which had been fixed for to-morrow, and which was not the ultimate decision, but merely the opening of the measure. The second reading was the first stage of discussion, and the noble lord would have the opportunity of obtaining the information he required before the bill passed through its other stages. He was always ready to consult the personal convenience of any noble lord, if he could do so consistently with his public duty; but on the present occasion, if, as had been said, the country was disturbed by the agitation of this measure, the best thing that could be done was to settle the question as soon as possible, consistently with a full and fair discussion of the question. He could not consent to delay the second reading on the ground of mere convenience, but he had no wish to press the progress of the bill in its subsequent stages in any way which might not leave full opportunity for the most deliberate consideration which could be desired.

The *Earl of Lauderdale* had been, in the other house and their lordships', a member of Parliament for more than forty years, and he had always understood that the second reading of a bill was the time for discussing its principle. Nay, the noble lord himself had in that house often argued, that by agreeing to the second reading of a bill, their lordships became pledged to its principle. It seemed, however, that all this doctrine was now to be done away, and that the second reading of a bill was to be merely the opening of the measure. He did not plead for delay from a wish to consult any personal convenience of his own. He was as ready to go into the discussion now as he would be on Monday. But delay was surely of comparatively little importance to the public, being assured that their lordships were to proceed to the discussion with complete information, and after having been allowed full time to digest it.



*Bank Advances.*

The Marquis of Lansdowne wished to know what was the nature and extent of that important engagement into which Government had entered with the Bank of England, and in consequence of which purchases were now making in Government securities?

The Earl of Liverpool intended, on the second reading of the bill to-morrow, to state fully the grounds of the transaction to which the noble marquis had alluded; but he had not the least objection to answer now, in a general way, the question which had just been put.—There were a number of projects now afloat for relieving the present commercial distress by issues of Exchequer-bills on the part of the Government. He, however, had thought it his duty, as did the persons with whom he acted, to give a positive refusal to all applications for any measure of this description. At the same time, Government was most desirous to contribute to the removal of the existing distress by any relief which might be given, without violating the principle which had been laid down, that they should not interfere by making any advances. It was also necessary to take care that it should not be said that the Bank was hampered by any engagement which might be entered into for this object with the Government. It had, therefore, been thought advisable to state to the Bank, that if they came forward to relieve the commercial distress by taking a certain quantity of Exchequer-bills out of the market, and issuing their notes for the amount, Government would be content to aid the operation by submitting to Parliament the expediency of providing for the repayment of 2,000,000*l.* of such bills, so that the Bank would not be subject to any inconvenience.

FRIDAY, FEB. 17.—The Earl of Lauderdale wished to obtain further explanation on the subject alluded to yesterday, which was one of great importance, and which had alarmed him more than any of the proceedings now going on—he meant the proposition of Government to the Bank, not engaging to pay, but proposing to the Bank to indemnify them for Exchequer-bills to be purchased in the market. He believed that this was the first time that Government had openly proposed to purchase its own securities in a way that must have the effect of raising them in the market. He was not certain whether the transaction was legal: he doubted its legality. At all events, he thought it very improper to go into any discussion of the subject, until their lordships had before them every thing which had passed between the Government and the Bank respecting these Exchequer-bills. He therefore intended to move, first, for copies of the correspondence between Government and the Bank, relative to the late agreement for purchasing Exchequer-bills; secondly, for any correspondence which might have passed at any time between the Government and the Bank, respecting the purchase of joint securities, on a promise of afterwards submitting a proposition on the subject to Parliament.

The motions were agreed to.

*Gold Coinage.*

Lord King said, that the noble earl (Liverpool) would probably recollect, that it had

been mentioned by Mr. Mushet, before the Bank Committee, that the machinery for coining at the Mint could in forty-eight hours coin any quantity of bullion brought in, and return it to its owners. As the present distress arose chiefly from the deficiency of the currency, he wished the noble earl to consider of the propriety of taking measures to enable any persons who possessed bullion to carry it to the Mint, have it coined, and bring it back into circulation.

The Earl of Liverpool said, the practice had hitherto been to get the gold coined at the Mint, through the Bank. It was undoubtedly competent to any person to take gold to a certain amount to the mint, and require coin in return for it; but he was not aware that there would be any advantage in altering the practice.

Lord King said, that when the market price of gold was 3*l.* 17*s.*, there would be a great advantage in taking it to the Mint, and throwing it into circulation. If gold in this way was taken to the Mint, the advantage was obvious. When, in a deficient circulation, the market-price was below the Mint price, the best thing that could be done was to take it to the Bank, and fill up the circulation, until gold rose to the Mint price.

*Bank Charter and Promissory Notes Acts.*

The order of the day being moved,

The Earl of Liverpool rose to move the second reading of the bill, entitled "An act to amend an act, passed in the 39th and 40th years of the reign of his late Majesty, entitled an act for establishing an agreement with the Governor and Company of the Bank of England," &c. He believed it would be most convenient for the discussion, to call their lordships' attention to both branches of the subject, in order fully to explain the measures which ministers intended to submit in the present session. He was well aware of the difficulties opposed to any remedy which could be suggested. At the same time, he could not help thinking that, if their lordships were disposed to look the difficulties fairly in the face, they would be found less than they might at first sight appear to be.—The noble marquis (Lansdowne) had referred to what he (Lord Liverpool) had thought it right to say in the course of last session, on the subject of the speculations which were then going on. What he had then said showed that the causes of the present evils were not unforeseen by ministers. It had been said, however, that he had not pointed out all the sources of the delusion, and that in particular he did not say any thing of the country banks. Now, he would refer to the recollection of those who heard him at the time, as well as to those floating records, which, however hastily made, were for the most part substantially correct, for an account of what he said at that time. It would be found, that upon that occasion he went, as had been said, out of his way, to give notice to the persons embarked in wild speculations, of the hazard they were incurring. He then observed, that one of the reasons for his mentioning the subject was, that these speculations were not confined to the metropolis, where people might easily know what they were worth, but that they were extended throughout the country by the agency of country banks. When he made this declara-



tion, it could not be said that he gave no opinion relative to the banks; but though the question of over-trading was a separate one from that of the currency, it was impossible for any persons who directed their attention to affairs of this nature, not to see that the speculations were taking a turn which must be injurious to the country. He must say that he mainly agreed with those who attributed the present embarrassments to the extravagant speculations, which had been set afloat in consequence of the extraordinary prosperity of the country. That prosperity had induced persons to turn their attention to joint-stock companies of every description, to embark in mining projects, foreign loans, and to enter readily into the wildest and most delusive schemes. These proceedings were carried to such an extent, that two of his noble friends (Lord Lauderdale and the Lord Chancellor) were desirous of devising parliamentary measures, which might have the effect of putting a stop to these hazardous speculations. Since the South Sea bubble there had been no example of such extravagancies. But the spirit of speculation was not confined to those delusive objects he had already described. It extended to all the branches of legitimate traffic. Their lordships had on their table returns of various articles of import, all of which were articles constituting what was called fair trade. The returns of these articles, consisting of the most material imports, afforded a comparison of an average of the three preceding years with the last year; and a fairer comparison could not be made, because those three years, and more particularly the last two of them, were years of great commercial prosperity. It appeared from those returns, that in the years 1822, 1823, and 1824, the average imports of sheep's wool amounted to 20,341,076 lbs. In the last year, the amount of the same imports was 38,705,682 lbs., being an increase of 90 per cent. The average imports of cotton-wool during the three years, amounted to 161,206,751 lbs. Last year, the imports of the same article rose to 222,457,616 lbs., which was an increase of 38 per cent. The imports of indigo rose from 5,077,878 lbs., the average of the three last years, to 7,530,531 lbs., which was an increase of 48 per cent. The loads of square timber, imported in the three years, were 551,191, and they rose in the last year to 664,186, which was an increase of 20 per cent. Of deals, 41 hundreds were imported in the three years; and in the last year the imports were 58, making an increase of 42 per cent. In silk—and their lordships would remember how many complaints and petitions they had received from those who attributed the stagnation in the manufacture of that article to the intention of allowing its importation in July next, under a duty of 30 per cent.—in silk, speculation had been no less active. The imports of thrown silk, which were in the three years at an average 404,423 lbs., had risen to 800,501 lbs., being an increase of 98 per cent. A similar comparison with respect to raw silk showed an increase from 2,608,527 lbs. to 3,431,172 lbs., which was an increase of 31 per cent. The imports of wine, tallow, and several other articles, into the details of which he would not enter, had risen in a similar manner\*. It was not, then, in joint-stock companies merely,

\* See Parliamentary Paper, No. (11.) Lords, Sess. 1825.

and mining schemes, that that speculation had existed: it had been busy with every species of import; and, when such was the case, no other consequences could be expected than those which had actually occurred. Having stated thus much of the over-trading, he would now touch on the question of the currency, as connected with the present state of affairs. In a variety of works different theories were put forth, some ascribing all the commercial distress to the spirit of speculation, others attributing it entirely to the currency. He certainly did not ascribe it entirely to the currency. At the same time he would not say that it was entirely to be attributed to speculations in trade; a disposition to push speculation to such an excess could not have risen to the height it had attained, had not the state of the currency lent it its aid. The paper currency consisted of two branches—the notes of the Bank of England and the country banks. There were on the table returns, which showed the state of the Bank issues from 1819 to the present year. During the years 1821-22, the whole of 1823, and the half of the year 1824, there could be no reason to suppose that the issues were in any degree excessive. In 1823, and up to August and September in 1824, the exchanges were favourable. There was no one who did not agree that the exchanges had not then grown worse, though, from opinions previously entertained, some disputed the connexion between the currency and the exchanges. The fact, however, was, that up to August, 1824, the exchanges were favourable, but that in the month of September they took an unfavourable turn. In the latter part of that year, and the beginning of the next, the Bank, instead of contracting their issues, increased them. In March, 1825, however, they saw the necessity which was pressing on them, and they then began to reduce their paper. But in Feb. 15, and March 15 they reduced their issues 1,300,000l. Between the 15th of March and the 15th of May, they made a further reduction of 700,000l.; and by November the whole reduction amounted to 3,500,000l. He came now to the country bank circulation; but before he proceeded to notice it, he must beg leave to disclaim the charge of having cast reflections on the country bankers. What he had said in the correspondence with the Governor of the Bank of England, applied solely to the general system of country banking, and not to the persons engaged in that trade, many of whom he knew to be highly respectable. But let their lordships look to the progress that had been made in the circulation of country banks. In the years 1821, 1822, and 1823, the country bank circulation was somewhat more than 4,000,000l. The account from which he made this statement was founded upon the issues of stamps, but was sufficiently accurate for the purpose of comparison. No considerable increase had taken place until 1824. In that year the circulation of the country banks was suddenly increased, from 4,000,000l. to 6,000,000l. In 1825, it exceeded 8,000,000l.; so that between 1824 and 1826, this species of circulation had been doubled. This fact showed how the country bank circulation went on increasing, after the Bank of England had thought necessary to contract their issues. Thus when the Bank had reduced their issues, between Feb. and Nov. 1825, to the amount of 3,500,000l., the country banks had gone increasing their issues. In the first quarter of the same year ending the 5th of April, their issues



were 2,151,774l. In the second quarter, they amounted to 2,506,539l. In the third to 2,155,754l. In the fourth, there was a decrease to 1,941,204l. Thus the greater issue of country bank notes had taken place during the period to which he had referred: so that whatever reduction was made by the Bank of England, was much more than made up by the issues of the country banks. After this statement, it would be surely too much for any one to say, that the speculations in those branches of trade which he had described could be regarded as altogether independent of the paper circulation, or that those speculations had alone brought the country into its state of commercial difficulty. Their lordships would recollect that the commercial embarrassments began, first of all, in the west of England, where a great bank failed. The second failure was that of a bank in the metropolis, which was connected with more than 40 country banks. The third great failure was a bank in Yorkshire. Their lordships would find, upon inquiry, that, with one or two exceptions, the banks which failed in London were such as were chiefly connected with country banks. The first object now was to apply a remedy to this crying evil. He knew it would be said by some, that we ought to wait for quieter times: by others, that there was no need of any remedy—that it would cure itself. Those, however, who entertained the former opinion must, he apprehended, have less experience of the world than himself. He was convinced that the cure would be accomplished with much more ease and much less clamour, now, when the difficulty was felt, than after it was over. The remedy he had to propose divided itself into two branches: the first was the gradual reduction of the paper circulation of the country; the second was the opening, as far as possible, of the banking system throughout the country, on general principles. The first measure was not now before their lordships, but was in progress in the other house of parliament. Objections, however, had been stated to both measures. The first objection was one which could not be denied. He could not deny that the withdrawing the 1l. and 2l. notes in order to substitute a metallic currency, would check the supply of circulation which trade might require, and in this way increase the distress; but their lordships must see the necessity of adopting this measure after the statements he had made. They must have observed that the country might be left in a state of perfect delusion, that the country banks might go on increasing their paper circulation, when the Bank of England, aware of the state of exchanges, were taking measures to reduce their issues. If the circulation of the 1l. and 2l. notes was replaced by a metallic currency, this could not be the case. But there was another consideration of serious importance. If the country was to be exposed to a crisis of this nature, and in a great commercial country crises of such a kind were to be expected, it was necessary to provide against the evil consequences of this description of circulation to the poor man. A poor man could not refuse a one-pound bank-note, and he could not retain it in order to recover its value at another time, as others might do, for he must expend it in supplying his daily or weekly wants. Then let any body reflect upon the consequences produced under these circumstances by the failure of a great bank in a country town; and be it remembered, that no less than 70 or 80 of these banks had suspended

payment during the late panic, as was well known to their lordships. All the poor inhabitants had been able to save from their hard earnings for years past were probably lodged in that bank; even the very last payment of wages which they had received had been made in its notes; and consequently many of them were seen hawking those notes about for sale, offering them for even 5s. in the pound, to enable them to purchase the common necessities for the support of life. Now that was a situation of things which never could take place in a country in which a metallic currency alone existed (hear, hear). And this observation brought him to the next question—namely, the difficulties in the way of arriving at the substitution of a metallic for a paper currency. An objection had been made to the measures proposed by Government from the difficulties which would attend the substitution of a metallic currency. Now he (Lord Liverpool) would beg leave, in the first place, to call the attention of those who made that objection, to the actual situation of the country. In this great metropolis and its neighbourhood, a metallic currency alone was in circulation. The same observation applied to Lancashire, one of the most populous districts in England. Liverpool contained a population of 150,000 persons; Manchester 200,000; and the population of the district altogether was not less than two millions; yet in those populous towns, and throughout that whole district, there existed no other than a metallic currency. Thus in a district comprising a population equal to one-fourth of that of the whole kingdom, and of whom two-thirds might be taken to be persons of wealth, there was nothing but a metallic currency in circulation. Where, then, was the difficulty of extending that to the whole country which already existed in Manchester and its dependencies, and in London and its dependencies? An attempt had indeed been made to establish the circulation of 1l. and 2l. notes in Manchester, but, much to the credit of the inhabitants, they had rejected the proposal. Their lordships had, then, experience of the feasibility of the measure on their side. If they looked to the accounts which were, or would be, upon their table, the facts stated in them, and other facts also, would show that no difficulty whatever was to be apprehended in this respect. Taking the data from the number of stamps issued by the Stamp-office for that purpose, he was sure he did not under-rate the country bank notes, he was certain he over-rated them, at 6,000,000l. or 7,000,000l. at the utmost. Now, by the official accounts laid before their lordships, they knew that during the period from the year 1819 to the year 1826, the Mint issued in sovereigns and half sovereigns, 25,000,000l. sterling, of which, in one year—namely, the year 1821—they issued 9,500,000l. From that sum of 25,000,000l. their lordships would have to deduct the amount of the gold that had been exported from the kingdom; and this could be ascertained through the medium of the Customs, although it could not be done formerly, because then, absurdly enough, it was not permitted to export the coin of the country, but now it might be lawfully exported. From the accounts, then, furnished by the Custom-house, it appeared that the quantity of gold exported from this country since 1819, amounted 7,269,000l. During that period, as he before stated, 25,000,000l. of gold coin had issued from the Mint, which, deducting the 7,000,000l. exported through the Custom-house, left 18,000,000l. But in addition

that which passed through the Custom-house, he was aware that considerable quantities left the country through other channels—as, for instance, the sums paid to smugglers for contraband goods; and the money which the passengers on board vessels might have in their pockets. Taking, therefore, the sum of 7,000,000*l.*, which had been lawfully exported in the regular way, and adding to it the sum of 3,000,000*l.* more as the amount of the rest,—and this he knew was a most extravagant calculation\*,—their lordships would have to deduct 10,000,000*l.*, as the amount of coin exported, from the 25,000,000*l.* issued by the Mint, and there would be 15,000,000*l.* as the amount which remained in the country. Then they all knew that since the month of November, in the last year, upwards of a million had been re-imported. So that, according to this calculation, there could not be in the country at present less than sixteen millions of gold coin, to fill the place of the small note currency. Besides, circumstances had occurred which had partly anticipated, and thereby considerably facilitated, the proposed alteration. Their lordships might remember the alarm which had been created in the country some time ago, by the circumstance of a banker in Bristol refusing to pay his notes in gold; and this having been acted upon in London, the alarm soon spread throughout the kingdom, and the consequence was, that it drew a considerable quantity of gold into the country. Now, therefore, looking at the amount of the paper in circulation,—looking at the amount of the coin issued by the Mint since 1819—he did not not entertain the remotest doubt that there was quite a sufficient quantity of coin in the country to justify Government in substituting a gold for a paper circulation. They did not mean, however, that the paper currency was to be withdrawn at once; it was to be done gradually in the course of the ensuing three years, so that the country notes would still continue to circulate until (supposing even that there were not enough of coin in the country to supply their place) a sufficient quantity could be procured. However, looking at the example of Lancashire and London, all difficulties on the subject completely vanished. Why did gold circulate there?—Because they had no paper currency. Why was there no gold in other places?—Because they had a paper currency. No fact had been more clearly established by all experience on the subject than this—that gold and paper never would circulate together. These were the grounds on which he submitted his first measure to the consideration of the house. It was proposed, as the means of making the evils felt at an earlier period, whenever an unfavourable state of the exchanges took place, by which the great mass of the people would be protected from its effects. But then it would be said, “That measure of itself will be inadequate; you ought to go farther: that is doing much, but it is not doing enough.” But though he preferred a metallic to a paper currency in small transactions, still he admitted that a system of banking, established on sound principles, was attended with convenience and benefit. The measure, however, which he had to propose on this sub-

ject, he granted, was but a half measure: and why was it so? Because their lordships would recollect, they had the chartered rights of the Bank of England to contend with. This was an obstacle to their going farther at present: they ought to go farther whenever they could; but the question now was, were their lordships, although they could not go so far as they wished at present, to go as far as they could? He was surprised to hear it objected to, on no other ground than that it was calculated to do too little good. But surely if it would do some good, and no harm, that was a groundless objection. The present system of banking laws in this country he considered to be one of the most absurd that ever was invented; it was in the teeth of all sound policy or common sense. It had grown up gradually, and was not the result of any original plan. He could easily conceive one or two systems founded upon reason and good policy, which might be adopted by banks; as, for instance, let them have a system of liberty, permitting any number of partners; or let them have a system of restriction, founded on conditions of indemnity or security, so that the public had a chance of being secure. In America, one of those systems was acted upon: for instance, in the state of Massachusetts, they had 12 chartered banks, and no others were allowed; and the moment any one of them became unable to pay their notes in specie, it was discharged. The other system to which he had alluded was one of entire liberty; and they both answered the same purpose in the end; because in a certain time respectable banks would be established, composed of a number of wealthy individuals, or formed on the principle of joint-stock companies; and these would expel the weaker or less solvent banks; so that in the end it would come to the same thing. In London the only notes in circulation were those of the Bank of England; and this effect was not produced by the operation of law, for any other bank in London was at liberty to issue notes as well as the Bank of England. But the reason why the private bankers of London did not issue notes was, because the public would not take them, whilst they could get those of the Bank of England, in which they had more confidence. So if there were chartered banks in other parts of the kingdom, there could be no doubt but that they would immediately absorb the whole circulation of the country. Therefore, by either of those systems, the object of security would be attained: but what was the system in existence at present? Why, the most rotten, the most insecure, the very worst in every respect that could possibly be conceived. Any petty tradesman, any cobbler or cheesemonger, however destitute of property, might set up a bank in any place; whilst a joint stock company, however large their capital, or a number of individuals, however respectable and wealthy they might be, were precluded from so doing. Let them, then, either continue the system of restriction in point of number, but qualify it by condition; or else allow full liberty of number: so that whichever they adopted, the public might have security for their property. The beneficial consequences resulting from one of these systems was manifested by its effects in Scotland. He might be told that it was in vain for him to look to the example of that country, because they had no power of granting charters. He admitted they had not, unless the Bank of England were to give up its

\* The Chancellor of the Exchequer appears to have reckoned this sum at only 2,000,000*l.*, which makes a difference of 1,000,000*l.* in the results of his and Lord Liverpool's calculation. *Ants*, p. 185.



charter; and therefore it was that he had before said that his measure was but a half one. The Bank had, however, consented to allow the restriction as to the number of partners in country banks to be removed, and so far one object was relieved of its difficulty. In return for this, the Bank would have the privilege of establishing branch banks throughout the country. Indeed, he believed they had a right to do so at present, and he confessed he was most anxious that they should make the experiment. But he knew that even if they did not think it prudent to make that experiment themselves, they would not therefore suffer the people to wait until 1833, exposed to the consequences of the present system, but allow the crown to grant charters to country banks. He believed it would not in any respect injure them, but on the contrary, while it would be attended with the greatest advantages to the country at large, it would be beneficial also in its consequences to the Bank itself.—This, then, was the nature of the measures which he had to propose; but before he sat down, there were two or three points on which he wished to make a few observations. The circulation of these country notes had been defended, because they were convertible into coin. It was certainly true that when a paper currency could be converted into coin, this evil would cure itself. But then there was a material difference between applying a cure beforehand, and waiting until the cure was accomplished through the ruin of thousands of people. That was the great error of the doctrine to which he alluded. It was also to be recollected, that although the doctrine might be true, perhaps, in a poor country, where property consisted chiefly of land, in a great commercial country like this, where the currency was subject to greater fluctuations, it did not apply. The object of every description of currency should be to make the value of property as steady and as little variable as possible. And this reminded him of a subject on which he would give no opinion at present—he meant the corn laws. He was afraid from what he could observe in the house, that when that subject came on to be discussed, a great deal of heat and passion would be evinced on both sides. But he would recommend their lordships to look at it as one which called upon them to take a cool and dispassionate view of it; not with the consideration as to whether the rents of the landlords, or the wages of the labourers, were to be high or low; but with a view to discovering what would be most likely to produce the least violent fluctuations of property. The truth lay there, and he who solved that problem would come to the wisest conclusion. In alluding to this subject, he had gone out of his way; but he had been led to it by referring to the fluctuation of property, and he could not help intreating of their lordships, when they came to consider it, to do so coolly and dispassionately, and with reference to the whole community.—Having said so much, he now came to the question of a measure of relief, which, amongst others, was affoat. A wish had been expressed that a remedy for the present distress might be afforded by means of the issue of Exchequer-bills; and he knew that if he studied his own popularity, he could not do so more effectually than by coming down to parliament with a proposition to that effect. If he had not adopted that course, he trusted the house would give him

credit for abstaining from it, from a deep conviction that it was not likely to be attended with beneficial results. He had always thought that the precedent of 1793 in that respect was not a favourable one, and therefore ought not to be followed. But there was a great difference between that period and the present; for it could not be pretended that the commercial distress which now existed had any connexion with political events. What would be the effect of such a measure but to teach the people to look to Government for relief from the consequences of their own extravagance. It was now three or four years since the landed interest was suffering great distress; and not a month passed at that time that he was not beset with the most urgent applications for relief by the issue of Exchequer-bills, as had been previously granted during the existence of commercial distress. The applications, however, had been rejected; for there was a great difference between the two cases. Payment in the one case might be secured within a given time upon goods, but could not upon land. The landed interest, however, did not the less consider that the state ought to come forward and help them in their distresses as it had done the commercial interest; for, said they, the commercial interests had the advantage of being able to send their goods abroad; they might combine to assist each other; the landed interests could not. He admitted these reasons; and on those as well as other grounds, he could not agree to adopt a similar measure now. All that Government said upon the subject was this—if the Bank chose to go into the market and purchase Exchequer-bills for the purpose of affording relief to the public, Government would pay them two out of the six millions which they owed them, to prevent them from experiencing an inconvenience from so doing. The noble lord (Lauderdale) objected to this, that it was a species of guarantee on the part of the Government. It was only paying an acknowledged debt.—He had now stated generally the principles on which the measures which he proposed were founded, and, of course, he would be happy to afford any further explanation which might be required upon the subject. Their lordships knew, that from a given day, no new notes had been stamped, and that after the 5th of April, 1829, the issue of 11. and 21. notes was to cease altogether. The Bank of England was to be put on the same footing in this respect as the country banks. But for the convenience of the country banks, it was desirable that the Bank of England should not desist from the issue of small notes altogether, and therefore they would continue to do so until the 10th of October. With respect to Scotland and Ireland, he was quite clear that it would be expedient to put them also upon the same footing, though not immediately. This was the general nature of the measures which he had to propose, and he should conclude by moving the second reading of the bill.

The Earl of *Limerick* stated with reference to the circulation of Ireland, that in the south of that country they had no currency whatever but bank notes. Gold was not to be had there. He begged the noble earl to consider the great increase of gold which would be necessary for the currency of Ireland.

The Earl of *Lauderdale* said, that when upon a former occasion a noble lord (King) had introduced the subject of the corn laws,



he had treated his observations in a way in which they ought to have been treated—namely, by not noticing them at all. But the case was different when the noble earl (Liverpool) had thought proper to travel out of his way to allude to it, for the purpose of treating the house to an exhortation on the subject; and it was, therefore, impossible on this occasion to remain silent, as he had done on the other. The noble earl said a great deal about intemperance, and warned the house against giving way to passion. He (Lord Lauderdale) could only say, that when he had discussed the subject with the noble earl, he could not recollect having used a single argument in which he did not consider it with reference to the interests of the landed proprietors and the manufacturers combined. He had argued it on the ground of advantage to the manufacturer, to the land-owner, and to the country at large. He had always contended that a moderate remunerating price was most beneficial both to the manufacturers and the landed gentlemen; and those who had taken the trouble to examine prices since then, would perceive that whenever prices were moderate, there existed the least degree of fluctuation of property. He was surprised that the noble earl would let it go abroad to the country that those who were to argue this question were likely to do so with passion and intemperance. He would find that they would do so with temper and consideration, not seeking, as another noble lord had said, to starve the poor, in order to fill the pockets of the landowners; but with an anxious desire to arrive at that conclusion which might best promote the interests of both combined. He begged pardon for having, when he rose to address their lordships on the important subject that had come before them, taken up so much of their time in replying to observations which he only respected from the station of the noble earl who had made them, and not on their own account.—Now the question for their lordships was, whether they should adopt the measure for restraining the issue of 11. and 21. notes four years before the privilege of issuing them would expire by law. He was not called upon to say whether or not there ought to be a circulation of notes under 51.; but admitting, for a moment, the principle of the measure before the house, the question was, whether it was right to agitate that measure in the present state of the country. He thought that this was not the time for bringing it forward; at present, it could neither be discussed within doors with temper, nor with safety without. It would not, he thought, be impossible to shew that ministers were acting on a mistaken view of the existing calamities, of which this measure, beyond all others, was calculated to increase the magnitude. Before they prescribed the remedy, they ought first to ascertain the nature of the disease; otherwise they ran the risk of aggravating instead of curing it. The noble lord (Liverpool) had favoured the house with his particular view of the causes of the existing distress. The noble lord attributed the whole origin of the evil to rash and overdone speculations, which led to the secondary cause, according to that noble lord's arrangement—the excess of the paper circulation. He (Lord Lauderdale) had heard nothing to prove that an excess of paper had existed. The noble lord had read various returns of the 11. and 21. notes in circulation at particular periods, and proved to the house that they amount-

ed to so many millions: but this statement presented no proof at all of an excess. What, he would be most happy to know, was an excess of paper? How was the existence of it to be ascertained? A quantity of circulating medium which might be quite enough for the circumstances of the country in one state of its traffic, would be a great excess in another; and, on the contrary, a quantity which might be amply sufficient for one set of transactions, would be altogether defective for another. For instance, the circulation of this country would, if transported to any other country with equal limits of territory and numbers, and without our great resources, be ridiculously excessive; or if, with greater resources, ridiculously defective. They had seen the value of the three per cents. rise from 75 to 97 per cent. Land, which before had been thought to be well sold at 25 years' purchase, fetched 33 years' purchase. The same thing had occurred with all other securities. Was it possible that the same transactions could be carried on in land and stock at high prices with the same circulating medium as at low prices? The argument was equally applicable to the rise in the prices of commodities. Did the noble earl really think that augmented transactions in commodities could be carried on with the same quantity of circulation which existed before? It was utterly impossible. It was nothing, therefore, to shew that the quantity of the circulation had increased: it must be shewn also, that it exceeded its due proportion in comparison with the amount of commodities at the different periods stated. It would have been easy to ascertain the fact, had the inquiry been properly directed. The bullion committee had very properly rested on the supposition, that mankind acted uniformly on the sense of self-interest; and that should the public see that the state of the exchanges and the price of gold were running adversely to the paper circulation, they would promptly exchange whatever notes they held for cash; and by that means prevent an excessive issue of paper one time with another. In this they had merely concurred with Dr. Smith, and all the writers on political economy who were of any authority; Dr. Smith having proposed as part of the basis of a system of mixed currency, paper convertible into gold, with which he proposed to couple the agency of banks throughout the country. But, in the present instance, how was the excess of the paper circulation proved? It was said that there was a great rise in the prices of commodities. But rise of prices might proceed from an alteration in the proportion of the quantity of various commodities as compared with each other. They must go a step further: they must prove,—if it were meant to be shewn that the rise of prices manifested an excess of paper—that the value of paper was diminished in proportion to the value of commodities. Now gold was a commodity, and while paper did not decline in comparison with the price of bullion, it would be difficult to prove that paper was in excess. While a 20s. note was convertible into a sovereign, weighing 123 grains of gold and a fraction, it must be held to be an equivalent to 123 grains and a little better of gold; and therefore not depreciated, and therefore not in excess, unless it were to be attempted to be proved, that things equal to one and the same were unequal to one another. The spirit of scheming, and the excess of paper issues, had been ab-



surdly linked together. How stood the question with respect to the great eras of scheming which had marked our latter history? Was it the over-abundance of 11. and 21. notes—was it an excess of country bank paper which set going the bubble of the South Sea project? So far from it, there were no small notes in existence in this country—there was no country bank paper at all. The same might be said of other periods. It was not the excess of paper which excited the schemes of 1793, which were happily put an end to by the war. There were no allegations of the kind at the time. He could not concur with the noble earl in ascribing the spirit of scheming to an excess of paper. High prices there might be, for a time, through the influence of scheming, but his imagination could not trace how the issues of 11. and 21. notes could have called up the schemers into action. There was a whimsical contrast observable in the opinions expressed on this subject between two eminent writers of the day, Mr. Mushett and Mr. Tooke. The latter gentleman attributed to high prices the propagation of all the late joint stock companies, and wild projects of speculation. Mr. Mushett assigned low prices as the cause of the same evils. Leaving those gentlemen to reconcile as they might opinions so opposite, he did not believe that either high or low prices were enough to account for so strange an agitation as the country experienced in the course of last year. Was it, then, that he was puzzled by these phenomena, and that he had no way of solving the difficulty in his own mind? No such thing. To discover the real cause of these phenomena, he was naturally led to examine the circumstances of a few years back, and to consider the measures which had been adopted under the auspices of a noble lord (Bexley), who was then sitting in another house. He would observe, in passing, that it would be not a little surprising if that noble lord, after having brought the House of Commons to concur in a resolution that a Bank-paper not convertible into money on demand, and which was actually at a discount of 25 per cent. compared with gold, was not depreciated, should now concur with the noble earl, that paper was in excess, and therefore, by implied necessity, depreciated, though convertible at the discretion of the owner. The real cause of the late phenomena was to be found in the working of that sinking fund which had within a few years past been established on an effective footing of 5,000,000l. annually. Let their lordships observe how this operated, and if it was possible, deny that instead of 1,000,000l., the former amount of the effective sinking fund, which was scarcely felt in the money transactions of the country, the public had now to contend with an excess of capital equal to 5,000,000l. thrown in, annually, to seek employment among the other interests. The commissioners went to market, and bought three per cents. or Exchequer-bills held by dissentients to the reduction of the four per cents. or any other public securities. These securities must be held by capitalists. The commissioners succeed in persuading them to sell and pay their money. Must not that money immediately enter the markets, and seek for new employment? Must not this extraordinary supply of capital diminish its value? Here, then, was a new experiment upon the general interests. While the war lasted, the sinking fund did not in effect exist—its operation was farcical or delu-

sive—receiving 20,000,000l. with one hand and paying 20,000,000l. with the other, of course it brought no excess of capital into the market. But it was a new feature in our affairs to have 5,000,000l. brought annually into the market to seek for new employment. It showed at once the reason for the increased prices in fixed securities. This it was that had reduced the interest upon them; this had sunk the interest of the five per cents. nearly as low as the interest before paid on the  $3\frac{1}{2}$  per cents. And its effect was still going on to a further reduction. They must see how the case stood with men who had disposable capital. Mortgages undertaken at 5 per cent. were in hundreds of instances redeemed with money got at lower interest. The situation of the borrower began to be one of difficulty. He found himself narrowed in his enjoyments. He listened eagerly to projects which would be likely to retrieve his income. One successful project counteracted the experience of many which failed; as in the lottery scheme, the drawing of a 20,000l. prize spread the hope of gain far and wide beyond any possibilities even of the law of chances. In former periods the same consequences had followed the diminution of interest, though no excess of 11. and 21. notes could be alleged. When Mr. Hutchinson proposed the first sinking fund, which in 1716 was adopted by Sir Robert Walpole, the foundation of that scheme was laid in a plan for lowering the interest of the public securities. There was the same circumstance of lowering the interest of fixed securities just before the bursting out of the South Sea scheme; and the same cause had then, as lately, led to the same disposition for adventures and projects, which deluded the capitalists with the hope of obtaining more interest, and replacing their income upon the former footing. Such, he assured their lordships, not on his own dictum but on the gravest authorities, was the real cause of the recent fluctuations in interest and in capital, and then in the prices of commodities. It was impossible to circulate commodities at a constant price, while the sinking fund was constantly pouring in an increase of capital seeking for new employment. The noble earl had observed, that he (Lord Lauderdale) was not authorized in saying that the noble earl, in predicting the evil consequences of that rash and wild spirit of speculation in last session, had left out of view the operations of the country banks. The noble earl insisted that he had pointed out the transactions of the country banks even at that period, as an effective cause of the prevalence of that speculative spirit. But he put it to the house, did the noble earl then say any thing of the excessive issues of country bank paper? If the noble earl did really take that excess into consideration, what did he mean by the threat, which he very properly held out *in terrorem* against those who should advance too far in that mad career, telling them that if they got themselves into difficulties, they must not look for any commiseration from Government, as ministers had determined not to advance any thing for their assistance in the way of Exchequer-bills? Was there any man in the kingdom, who had talked or written upon the subject, from the noble lord on the woolsack down to the most petty newspaper, who did not assign as the cause of the calamity the wild and disastrous speculations and the projects of the joint-stock companies? If he was right, then the high prices had been

occasioned by 3,000,000*l.* of capital coming into the market annually as a candidate for new employment; and as its tendency was to set speculation afloat, so its operation within the last year had been to call out 17,000,000*l.* of capital, which were exhausted in foreign loans, in mining, in speculations of silk, linen, cotton, and other articles. The exhaustion of this capital had again led to a reduction of prices equal to one-fifth. The inevitable consequence was a diminution of credit, and thence came a fall of prices in the fixed securities. The 3 per cents. were before at 97, and land at 33 years' purchase; circumstances changed, and the 3 per cents. were at 80, land at not more than 30 years' purchase. It was impossible that all this could be done so suddenly without producing many stoppages. Some among the best houses were nearly crippled, while bankruptcy at once overtook the unsound dealer, who had habitually depended on accommodation.—Now for the remedies proposed by the Government. He wished to know if the administration had left the country alone, what might at this time have been the amount of the loss? He would venture to say not 2,000,000*l.* altogether. Things would rapidly have come round, and the industry of the country would by this time have been again actively engaged. But the noble lord chose to put out an alarming statement in the speech from the throne, deprecating the causes of the evil, and in the same speech, and the address voted in answer, it was clearly declared that some measures on the part of Government were absolutely necessary. He put it to the noble earl and to the house, to calculate, before that relief could possibly reach the public, what must be the loss in staying the transactions of every kind in the commerce and manufactures of so active and wealthy a community, in consequence of that alarming denunciation, and then to say if that loss was not greater than all the evils to which the new remedies were to be applied. For his (Lord Lauderdale's) part, he could not see those symptoms of a chief agency in the country banks to the production of the present evils. He saw, at the time, men of all parties in that as well as in the other house, joining in the schemes, and strengthening the opinion entertained of those schemes by the public, with the authority of their names. Why was there nothing done towards redressing this grievance as well as the over-issues of country banks? Had the Government put the Bubble Act into execution? The noble lord might say that the Bubble Act afforded no security. If so, why had he not proposed some measure which would have been effective. The noble lord was well aware that many members in most of the great offices, not excepting that of the Secretary of State, were speculators in the scheming companies, but no precautionary measures had been taken, although he (Lord Lauderdale) and others had exerted themselves to their utmost in undeceiving the country: day after day had he teased the house with prophecies which had been but too fully realized.—The noble earl had taken the amount of coin actually in circulation at 16,000,000*l.* How the noble earl got at that knowledge was beyond his ability to conceive, and so it was how the noble earl succeeded in getting any return at all, much more of the exact quantity exported, which the noble earl had put at 7,000,000*l.* Three years ago he (Lord Lauderdale) had called for that account, and he was answered, that since

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the coin was allowed by law to be exported without being sworn to, no register had been kept of the amounts. He would not, however, dispute the account of the noble earl. The noble earl should remember that, in respect to the country banks, it did not require a capital of more than 1,000,000*l.* to keep up a circulation of 6,000,000*l.* of notes. While this 6,000,000*l.* might have, and was supposed to have, its security on only 1,000,000*l.* of property, the noble earl was going to make a demand on capital to the extent of 5,000,000*l.*, which the country bankers must call up. This must create a further demand for coin to the extent of 6,000,000*l.*—The noble earl talked of joint-stock companies with an increased number of partners, as one remedy. If the noble lord could find men ready to embark in those schemes in greater numbers than hitherto allowed by law, he would own himself to have greatly mistaken the subject. If at any time the noble earl could find six men or more who were ready to embark their whole property with the chance of dividing it to the last shilling in case of failure—taking into account, too, the variety of temper, and disposition of men, and the sense of risk,—it would very much confound all his previous calculations. He knew that such establishments had been attempted, and one of them had been set on foot last summer. They did him the honour of applying to him to be their governor; and stated, that as they only wished for the honour of his patronage and advice in directing their affairs, they did not mean to call upon him at all as a sharer. His reply was, that he felt the compliment which they intended for him, but, as he certainly never could be brought to embark his property in such a scheme, still less would he assist it with the sanction of his name, and make himself a decoy-duck. The increase in the number of partners would add no security to the country banks. The richest partnership ever known in any joint-stock bank in Scotland was that of Douglas, Herring, and Co., and they failed in 1772.—Amongst other things which the noble earl had not touched upon, was the effect of the Mint regulations. The seignorage on silver was too heavy, and Government would not allow any body to issue silver but itself. At a time when they appeared so anxious to withdraw the 1*l.* notes, and to let in gold, why did they not allow a free mint in silver as well as a free mint in gold? The noble lord had at one time published a book on the subject, which contained one of the most ridiculous arguments on this subject that he had ever met with. It was contended in that book, that as we were richer than any other nation in the world, we required a more valuable standard; silver might do for the people of the Continent, but gold must be our standard. It might as well be argued, that as we were in a greater degree than other people manufacturers of broad-cloth, we ought to have a longer yard to measure by. To exclude the silver standard, which was common to all Europe besides, was to the last degree absurd, when considered in detail. It was the pride of his lordship's administration that treaties of amity and commerce had been concluded with the independent states of South America. But some of the returns from South America would be made in silver ingots, which would necessarily be conveyed to the Continent, where there was a free market, while the seignorage amounted to a tax of 1½ per cent. He recollected arguing

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that point fully when these hints regulations were settled. He rejoiced at the prospect of seeing something done towards carrying into effect what he considered to be quite indispensable.—Some remarks he must make with regard to the application of this plan to Scotland. He confessed he had never heard any proposition with more astonishment than the plan of extending to that country a remedy for evils which only existed in this. Bank-notes were in constant circulation in Scotland, and always had been; but never, except in one instance, had the interference of the legislature been necessary, and then it was exerted, as he admitted, in a very proper way. Certain notes had been issued which were payable, at the option of the parties, either in demand or at six months from the date, bearing interest at five per cent. These notes had been very properly abolished by an act of parliament. But for notes of £1 and £2, payable in demand, they had been in circulation in Scotland since 1696 to the present time, without any inconvenience to the public or loss to the poor, or suspicion of any excess of issues. The noble earl would see why he did not believe that joint stock companies would take here, when he had explained how they were managed in Scotland. Of thirty country banks seven were chartered or joint stock companies; the other twenty-three were common partnerships of four or five partners. Were these less secure than the chartered or joint stock banks? By no means: the notes of the one were as good as the notes of the other. But what was the nature of that security? There was no bank in Scotland, whether in Edinburgh or any other part of the kingdom, the agents of which did not meet the agents of the other banks at least twice a week, when they interchanged the notes which they held of each other's banks, and the balance was paid in gold or bullion in England. How could there ever be an over-issue; and how could they derive any profit from it, should they attempt an over-issue of their own paper, when they must immediately balance the account in cash or bullion in England? In fact, there never had been an over-issue of that paper. Thus, he knew, was contradicted by some persons who asserted to be very deeply skilled on the subject. And here he could not avoid inserting an article on this subject, which, it seemed, was to appear in the *Edinburgh Review*. But as the *Edinburgh Review* would not be published sufficiently early to instruct their brethren in the course which the writer deemed it advisable for their lordships to pursue in the parliamentary discussions on the subject now before them, the author—for such was the surprising importance that he attached to his opinions—had put into this article in a separate pamphlet, and had sent a copy to each of the members of both houses of parliament. In that article the writer advanced a most extraordinary proposition—extraordinary from its total inadmissibility in point of fact, and no less extraordinary from its total absurdity in point of argument. The writer said, "I was much amused with the paragraph which appeared in the newspapers relative to the firmness and stability of the Scotch banks during the late convulsion. I will not say that, at the period to which I refer, those establishments were on the brink of destruction, but undoubtedly they were in a situation of very great danger. If the national Bank and the British Linen Company had not stepped

forward and proffered their assistance, many of these banks, and the Fife bank amongst the number, must have stopped payment. But for this intervention, that bank could hardly have resisted the run that was made upon it, and the stoppage must have been productive of the most disastrous consequences." Now the fact was, that the Fife bank had actually stopped payment, instead of that event having been prevented by the operations of the two establishments mentioned. The £1 and £2 notes of the Fife bank were dispersed amongst the poor, and it was expected that the industrious classes would have been great sufferers. But, at that critical moment, the national Bank and the British Linen Company intervened, and averted the evil. They well knew what were the availing effects of the issue whose credit had been shaken—they were cognizant of the fact, that their concerns had been mismanaged for three years by persons who were not acquainted with the proper mode of conducting business; and, under these circumstances, they stepped forward with their assistance. These great establishments felt that there was much security as justified them in putting an end to the evil at once. But did this circumstance afford any proof that the Scotch country banks were in danger? No such thing. It showed, on the contrary, that their foundation was solid, and that they commanded general confidence throughout the country. In this instance the two establishments which he had named said, "We will take up all the notes at once, because we are quite sure we can do so with perfect safety." Was this a proof of any thing else but that those banking establishments which could command such relief were in a state of prosperity? It appeared that those who ministered their aid had the fullest possible confidence in the strength of the security offered. Looking to the proverbial caution of the people of Scotland, he was sure that no one would expect to see them going out of their way to assist their friends; no one would suppose that, in a critical moment, they would, without any attention to their own interests, study the good of their friends alone, by keeping these £1 and £2 notes in their hands, if they imagined they were likely to suffer by such a proceeding. But the fact was, that the people of Scotland were perfectly satisfied with the currency. Why, then, should the noble earl apply to that country a remedy which he found it necessary to resort to for the purpose of eradicating a disease that happened to be prevalent in this? As well might a physician who had cured one of their lordships of a painful disease by a violent medicine, prescribe it in all cases. It would be strange, if that physician, having been called in to attend one of the *re. reverend prelates* opposite, should say, "I have seen most excellent effects produced by this medicine, and, as I have appointed my lord such-a-one, I must be permitted to appoint you also" (laughter)—although the reverend prelate's age and avarice might fairly be supposed to exempt him from the necessity of using such a medication (laughter). In the course of the discussion to which the subject of the currency must give rise, he would take an opportunity of explaining fully to their lordships the calamity which an extension to Scotland of the noble earl's principle was likely to produce.—He had now done his utmost to convince their lordships—that Government had mistaken the causes of the injury, and 2d, that the remedy

would create a great degree of suffering. The disease really arose from a great extra supply of capital in the first place, and a great extra demand for it in the second; and such being its origin, it appeared to him that the measure now proposed would not remove it.

The Marquis of *Lansdowne* said, that the question before the house divided itself into two points: the one was the means adopted by Government with a view to the immediate relief of the country; the second was the proposition for administering, if not a complete, at least a powerful remedy against a future recurrence of the present ruinous disorder. These different measures were totally distinct, and rested on different grounds. One of them assumed to be founded on a recurrence to the old and wise principle of placing the credit and currency of the country on a sound and permanent foundation; while the other was admitted to be a departure from an established principle, justified by the immediate necessity of the case. He would, in the first place, call the attention of their lordships to the latter measure—that which had been adopted with respect to the Bank. That measure had been only determined on in the course of the last few days, and they had that night, for the first time, received correct information on the subject from the noble earl. Admitting that the distress of the commercial world had arrived at such a pitch as justified the Government in interfering with respect to that which was the common concern of all men, still he must disapprove of the present measure. What, then, was the evil which was to be remedied? It was not the absence of money, but the want of confidence in a certain class of individuals who required to be relieved. To correct this state of things, the Bank had been sent into the market to purchase 2,000,000*l.* of Exchequer-bills. Such a purchase must have a considerable effect on the market, namely, that of adding 2,000,000*l.* to the currency already in circulation; but it did not follow that the 2,000,000*l.* would find their way—so immediately at least as could be wished—to those parties who were the objects of relief. This issue could have no other effect at the moment, except to assist speculations in the market. It would aid the speculations of those who were in the habit of trafficking in Exchequer-bills, but would not find its way into the coffers of individuals, who, supposing their property and their different securities good and solid at any other time, were distressed, because those securities were not available at the present moment. This measure would, therefore, fail, in a great degree, in administering immediate relief. The most efficient course would have been to follow the example which had been set in 1793. In doing this, ministers would have had the benefit of experience; they would have known that the plan then adopted, however objectionable in point of principle, had been before attended with the effect which it was hoped would follow from it, and that, too, without any ultimate loss accruing from the plan.—He should now dismiss this part of the question, in order to enter on the consideration of the larger and more important topic—he meant that view of the subject which related to the cause of the evil, and which treated of a permanent remedy for it. One of the difficulties which had been urged against a noble earl (*Liverpool*) and others, who were convinced that the present state of things called for a di-

rect interference on the part of the Government, might, he conceived, be easily answered. It had been repeatedly asked, “Why should you interfere with the principle of free trade in a paper circulation more than in any other business?” Now, advocate as he was for the general principles of free trade, he could see no connexion whatever between those principles and the principles which governed the circulation. He could not maintain the principles on which free trade proceeded without admitting this exception, that, with respect to those regulations which governed the intercourse between man and man, and, of course, the property of men, it was fitting for Government, under particular circumstances, to interpose. If the legislature were allowed to alter weights and measures which were used for the ordinary purposes of the country, he conceived it to be quite clear, that it was equally within their power to interpose for the sake of giving to individuals, either coin, or that which, under peculiar circumstances, they were compelled to receive as coin, to the extent and to the full real value of that which their labour or their merchandise ought to command. They ought to receive the full real value, not a nominal and fictitious value; and the legislature certainly had a right to effect that object. Admitting the necessity of this interference—he was of opinion, in common with every enlightened person in the country, that the evil was inherent in the system as it now stood. Some individuals, however, thought that the present was not a proper moment for the discussing and setting at rest this important question. They contended that a period of greater calm and tranquillity ought to be selected for that purpose. He knew not what the noble earl felt on the subject; but if by any means the legislature could, for a period of six months or a year, suspend the wheel of currency, and put a chain and drag on it, so that, at the expiration of that time, it would be in the same situation as it was at the present moment, he would not object to the delay. But they all knew that when the wheel of circulation was out of order, it could not be made to stand still in the way which he had described; and if it were admitted, as he believed and trusted it was admitted by all, that there was an indispensable necessity for altering the system of the currency, it was for the legislature to consider whether it was not far less galling to impose those fetters when the members were contracted, rather than to select a period when they would be distended and enlarged, and when, in consequence, it would be much more difficult to impose those necessary restraints. He thought a full case had been made out for Parliament to act, and to act at once; and, when he looked to the state of disorder which prevailed, arising partly from speculation and partly from the currency (on which he would presently say a word or two with reference to what had fallen from his noble friend), he thought the legislature could not proceed with too much celerity. When such was the situation of affairs, was it matter of exaggeration to inquire, whether there had not been, in a period of profound peace—without any circumstance from abroad that could affect or alter the internal condition of the country—was it, he demanded, too much to ask, whether there had not been effected, in that time of calm and tranquillity, a greater change and convulsion in the mercantile property of Great Britain, than had been effected



in the kingdom of France in 1815, when that country was overrun and conquered, and fortified by foreigners? When he was asked, what he conceived to be the reason of this mighty change—was he wrong, if he stated in answer, that there was something fundamentally bad in the system on which the currency of this country rested, and which alone caused this convulsion? The evil which existed in the present day was not only felt amongst those whose trade was speculation, but it had found its way even to the lowest classes of life. Ought not the legislature, then, to consider what the existing law was, and to see how far the currency was affected by that law? There was a difference between the view taken by himself and that of the noble earl (Liverpool) as to the cause of the existing evil. The noble earl attributed the evil almost entirely to over speculation; but he (Lord Lansdowne) contended that the real source of the evil was to be traced to the state of the currency. The state of the currency produced speculation, which was, in fact, the secondary evil. That point, however, he did not think very material for discussion in that house. It was manifest by a reference to events which had occurred in the last two years, that between the currency and speculation there was a mutual action and re-action. No commercial country, like that in which they lived, could exist without being affected by the spirit of speculation; and it was the peculiar nature of the currency in this country, as it at present stood, to administer ample food to that speculation which was of the most mischievous and of the most unbounded description. He thought a case was fairly made out to induce their lordships to interfere, and to adopt some efficient remedy for this crying evil. His noble friend (Lord Lauderdale) had, however, found out another reason for this extensive speculation. He had stated that one of the great causes, indeed almost the sole cause, of this unusual spirit of speculation, was the application of 5,000,000*l.* annually as a sinking fund. This his noble friend looked upon as an addition to the speculating capital of the country. He argued, that if this 5,000,000*l.* were not taken from the people, it would be spent as income; but that, when applied as a sinking fund, it really became a speculating capital. He, however, could not see that the 5,000,000*l.* thus taken annually out of the pockets of the people tended more to increase the speculating capital, than if that sum were suffered to remain in their pockets. The speculation would be exactly the same in either case. There was, however, this difference—the sinking fund consisted of 5,000,000*l.* of real capital, but the evil against which they had now to contend was, that of a nominal capital and a nominal surplus, which were forced out for the moment for the purposes of speculation. Now, on looking back a little, what circumstances did he find with respect to the speculative proceedings which afterwards took place? Previous to the period of those speculations being generally undertaken, he found an issue from the Bank increasing in the ratio of 8 per cent. from 1824, and producing some unfavourable effect. He also found in 1825, after the Bank issues had increased, that the issue of country bank notes on the average of three years had been increased about 33 per cent. Gold, he perceived, in consequence, rapidly left the country. Then came a sudden demand for that metal; and then came those

failures and all those unfortunate circumstances with which their lordships were well acquainted. The increased issues of the Bank of England, in 1824, led to an extension of the issues of the country banks. This created a rise of prices in London, and goods were sent in large quantities from the country to the metropolis. The same thing occurred in the country. An opposition rise of prices, not a beneficial one, took place there also. Thus the issues of country paper were extended, and these, together with the additional issues of the Bank of England, produced that state of things which they were now called on to alter and amend. When, however, he stated this, with respect to the Bank of England, he was sure no one would suspect him of thinking that the gentlemen in the direction of that establishment were at all aware of the effect and influence of those issues. He believed they were not only not aware of the effects which they were likely to produce, but that, if they had been aware of its probable consequence, they were so hampered by their relations with Government, in consequence of issues which were placed out of their own reach, and which were made under the sanction of Government, that they could not have warded off the evil. They were not, in fact, in that free situation in which the Bank of England ought to be placed (hear, hear). The noble earl, in referring to the state of the relations between the Government and the Bank, had adverted to 6,000,000*l.* of Exchequer-bills held by that body, but was that the whole amount of the weight which the transactions with Government had pressed on the Bank? Undoubtedly this was not the only clog on the exercise of their discretion. In addition to that, they had provided for what was called "the deficiencies" in the 4 per cents.: and beyond all this, they had another charge, arising from a most extraordinary act of parliament, adopted some years ago, on the suggestion of the noble earl. That act rested on one of the most extraordinary conundrums that was ever heard of, and was most appropriately denominated "the dead weight." By that act they were called on at one and the same moment to raise taxes on the present generation, for the relief of posterity, and to raise taxes on posterity for the relief of the present generation. By this extraordinary scheme, no less a sum than 8,000,000*l.* was taken out of the hands of the Bank and completely placed beyond their control. They, in consequence, found themselves unable to act when the circulation of country bank paper had increased in the ratio of 33 per cent. They were then obliged, instead of giving that effectual relief which they otherwise might have done, to allow the evil to flow unchecked in its mischievous course. He remained, and always should remain, the firm supporter of the doctrine which held as beneficial, a paper currency convertible into cash; but it was necessary to have a sound circulation in the country, that the convertibility of paper into cash should be immediate—that the check to an improper issue of paper might be resorted to without delay. But, unhappily, such a state of things had arisen as prevented the application of that check and remedy until a great number of persons had sunk under the pressure of the times, overwhelmed by the misfortunes attendant on rash speculations. Neither Government nor parliament could do any thing at the moment to arrest the evil. It had, however, in



some degree effected its own cure, for the exchanges had at length come round. The circulation had been narrowed, the exchanges had turned in our favour, and there had been a rapid flow of gold into the country. There were other material circumstances which influenced the situation of the Bank, and which he hoped would never occur again. One of these circumstances was the advances made by the Bank (he believed at the instigation of Government) in the shape of loans on mortgages. (The Earl of Liverpool intimated that this was not the case). He (Lord Lansdowne) had heard that Government had advised the measure, but he was extremely glad to hear that it was not so, because he was convinced that it was a system of operation which it must injure any banking company to engage in. It added to that portion of the circulation which was tied up and taken out of the hands of the Bank. He saw most distinctly, the different steps by which the present system was produced. In 1824, he saw an undue issue of paper on the part of the Bank, and much of that issue placed out of the reach of their own control. He then saw a powerful effect produced on prices throughout the country by the extension of the country bank circulation, which was incidental to the state of things then existing, and the facility afforded for the issue of paper. And then, in 1825, came that heyday of prosperity which they had been taught to believe was never to have an end. Parliament was then induced to congratulate his Majesty, and his Majesty in return congratulated Parliament, on so apparently sound, permanent, and prosperous a state of affairs. Now, when he was told that the approach of all the subsequent mischief was foreseen by ministers, however much he concurred with them in the remedy which they now proposed, he could not express that concurrence without at the same time throwing some blame on the Government, for not having, if they had foreseen the evil, applied to it those measures which, at a late period, they had felt it necessary to adopt. At the very moment, however, when all this mischief was in progress—when the worst evils were afloat—when the 11. and 21. country notes were in active circulation—and when the exchanges were beginning to turn against this country, he found his Majesty, at the close of the session, thus addressing the two houses on the subject of the measures which had been adopted, for the purpose of extending our commercial relations:—"These measures, his Majesty is persuaded, will evince to his subjects in those distant possessions, the solicitude with which parliament watches over their welfare; they tend to cement and consolidate the interests of the colonies with those of the mother country; and his Majesty confidently trusts that they will contribute to promote that general and increasing prosperity on which his Majesty had the happiness of congratulating you on the opening of the present session, and which, by the blessing of Providence, continues to pervade every part of his kingdom." He (Lord Lansdowne) did not mean to contend that there was not much prosperity in the country; that there were not materials upon which solid and permanent prosperity might be founded, but he complained, that at the very moment when this Speech was made, notwithstanding the avowed knowledge of his Majesty's ministers that there was great mischief

brewing, with respect to the state of the currency, Parliament was suffered to separate, in July, 1825, without any step being taken to alter the state of the currency, so as to prevent the frightful misfortunes which had since occurred. If any step had then been taken, it would have been impossible for the evil to have reached the height which it attained in the autumn of that year. He therefore could not concur in the measures proposed, without expressing some regret that no provision was made at that time for retracing those steps which parliament had been induced to take in 1822 for the purpose of throwing into circulation that addition to the issues of the country banks which some individuals believed to be absolutely necessary. The lessons which they had received for the last three years clearly proved the great importance of placing the entire currency of the country on a broad metallic basis (hear, hear). Whenever parliament attempted to give a fictitious aid to the currency, the attempt had uniformly failed. There was no royal, there was no parliamentary road by which they could contract engagements beyond what they had the means and power of fulfilling. The attempt to bolster up a bad system of currency was always attended with extreme difficulty, and never could succeed. All those who looked to the history of past years would see that every effort to interfere with the currency, except that which had for its object the introduction of a permanent metallic circulation, proved the folly of the principle on which the attempt proceeded, and led to effects of the most mischievous character. No sooner had that famous resolution been past some years ago, ascribing to the bank note a value that did not belong to it, than the evil of such a monstrous proceeding became manifest. He adverted to that resolution with less hesitation than he would otherwise have done, because he understood it was not, as it had been supposed, the offspring of a noble friend of his (Lord Bexley), although that noble lord had taken up and adopted the bantling, and gave it existence in the journals of the other house of parliament. No sooner was that unfortunate resolution adopted by the other house, which declared that a pound note and a shilling were equal in public estimation to a guinea, than parliament was employed, and had continued to be so employed ever since, in providing against the consequences which arose from the difference that manifested itself between the value of the one pound note and the golden sovereign, in this and in every other country. He certainly approved of the measure which the noble earl proposed for removing one portion at least of the paper circulation of the country, because it would afford that security to the poorer classes which should be a primary object with the legislature. The labourer had a right to reap the full benefit of the King's prerogative; and when he demanded the reward of his labour and industry, he ought to receive it in that circulating medium which possessed a real, not a nominal, suspicious, and fluctuating value. The withdrawal of those notes would also materially alter the relation between the proportion of metallic and paper circulation; and unless it did that, he was sure that no benefit would result from the measure; and if the suppression of the 11. and 21. notes were not adequate to the accomplishment of that object, then he would recommend that



parliament should proceed still further.—With respect to the other measure which was more immediately the object of the present proceeding—the formation of a different description of country banks—he certainly was one of those who thought that in its present form that measure would not be very extensively acted upon. But he yet sincerely hoped to find the scheme placed upon a more practicable footing; and that the Bank, which professed, and no doubt felt, a deep sympathy for the distresses of the country, when it became satisfied that it could not, by establishing branch banks, afford the relief desired under its own system, would not resist such an alteration in its charter as, without at all affecting its material rights, would substitute a sound and secure system of banking for an unsound and dangerous one, in places which their own circulation could never reach. He did not doubt that upon reflection such would be the policy adopted by the Bank; and parliament, by that alteration in the Bank charter, would be enabled to license chartered banks throughout the country; the condition of whose charter of limited responsibility being the annual publication of their accounts, all persons would then have an opportunity of constant examination into the affairs of the parties whom they trusted; and the country would have, perhaps, the best system of banking which commercial security could desire.—With reference to Scotland and Ireland, where none of the same evils under which our own country was suffering at present existed, a greater space of time perhaps might be allowed for effecting the proposed change, than that which he understood the noble earl (Liverpool) to suggest; but ultimately, no doubt, he agreed with the noble earl in the propriety of bringing both those countries under the operation of the same system.—On the general question he felt no difficulty in saying, that their lordships were about to legislate on right principles. The fortune of every individual was intimately connected with the settlement of the currency on a sound metallic basis. He begged to assure their lordships, that if by obtaining temporary high prices they hoped to benefit either their friends or themselves, they would find themselves greatly mistaken (hear, hear), for such temporary rise would necessarily be followed by a dreadful and ruinous depression (hear, hear). It was not more sure that any artificial excitement must, in the body natural, subside into ultimate languor and exhaustion, than that the bubbles of speculation blown up by paper, would finally bring all articles of merchandize into the market at lower prices than they would otherwise legitimately obtain. If, therefore, on the score of justice, the parliament were not called upon to legislate, they were bound to do so in defence of their own interests, which were essentially bound up with regularity and uniformity of price.

Lord Bexley differed in opinion from those who thought the concession of the Bank not likely to be acted upon. When he looked at the number of joint stock companies, which had been formed for various purposes in different parts of the country, and which flourished, subject to the danger of unlimited responsibility, he could not help thinking that the same inclination would display itself to embark in the banking trade, which had already been manifested with respect to so many other ob-

jects. He looked to Ireland as an example of what might be anticipated in this country. Since the charter of the Bank of Ireland had expired, several banking companies had been instituted; and though the spirit of enterprise there was not equal to what existed in this country, and great distress prevailed at the time of the change, already the circulation and credit of Ireland had greatly improved.—He was desirous of giving some explanation respecting the measure of temporary relief by which the Bank of England, by the purchase of Exchequer-bills, had thrown a large and seasonable supply of money into circulation. Those who remembered the report of the committee of 1819, would be at no loss to understand the grounds on which Government now acted. Several practical witnesses who were then examined, stated their opinion distinctly, that whether the circulation was increased by extended discounts, or by the purchase of Exchequer-bills, the effect on the public was nearly the same. In a short time the money so issued would find its way into all the channels of trade. The relief by the purchase of Exchequer-bills was more speedy and immediate than by the issue of Exchequer-bills. In the latter case, it was necessary to go through the form of an inquiry by a committee, afterwards to pass acts of parliament, and in the application of the relief, to inquire into the character of each individual.—The noble marquis (Lansdowne) had done justice to the Bank of England. He (Lord Bexley), in the course of many years' experience, had found abundance of sagacity and good sense, as well as integrity and good faith, in the management of the concerns of the Bank (hear, hear). The noble marquis, however, while he did justice to the Bank, had done great injustice to Government. It was not true that the Bank had been cramped and fettered by the capital they had invested in Government securities. They had opportunities enough to relieve themselves to any extent. They might either have sold Exchequer-bills, or brought to market any part of that annuity on which the noble marquis had made reflections entirely unfounded. In the first place, the noble marquis said, that in the same year in which parliament had laid on taxes to the amount of three millions for the reduction of the national debt, and the relief of posterity, the charge of the naval and military pensions, which ought to have fallen on the present generation, was spread over a period of 45 years for their relief. The fact was, that the three millions were imposed, in pursuance of a resolution of the House of Commons, passed as long ago as 1819. But the Bank had taken no part of the annuity till 1823, four years afterwards. The plan of the annuity was not formed till 1822, when such an improvement had taken place in the finances of the country, as rendered it decidedly an advantageous measure at the time, whatever it might have been in 1819.—He then proceeded to exculpate himself and his colleagues from the imputation of having contributed, by the act of 1822, to give a longer period for the circulation of small notes. In his official capacity, he certainly had proposed that measure; and, under any circumstances, he had done so with much regret; but it would be recollected that he had proposed it, accompanied by several provisions for security, which had been rejected, but which were not very dissimilar

from those which parliament was now upon the point of adopting, and which, if passed, would greatly have limited the mischiefs that had accrued. He objected to the power of issuing small notes, on the principle that it was tantamount to the dangerous power of coining to an unlimited extent. He entirely agreed with the noble lord who had preceded him, that the present was the most suitable and advantageous period that could be selected for the change. In justice and in mercy to the country bankers themselves, parliament was bound not to lose this opportunity. If they were allowed to revert to their former circulation, the pressure would be greater when they were at any subsequent time called upon to contract it. At present, too, they would save the proportion of stamp duties they would otherwise be required to pay. The quantity of gold required to supply the place of the notes, would be small in proportion to the contraction of the circulation. Three or four millions would be all that would be called for in the course of three years to provide for the country circulation. Surely, that was not a sum which could excite any great alarm. The measures now proposed were calculated to put the currency of the country permanently on a solid foundation, and prevent for the future all ruinous fluctuations of prices.

*Lord Ellenborough*.—The measures at present proposed, as he understood them, were three; one intended to afford immediate relief, and the other two to prevent a recurrence of the evil under which the country laboured. Now the measure of relief, he thought, was insufficient. It would not relieve those classes who were most deserving of assistance. The distress of the country at this time was not peculiarly commercial, but general; and the measure of assistance would not reach those who, by the fault of others and by no speculation of their own, had become involved.—With reference to the second measure, the establishment of a new description of country banks, the noble earl (Liverpool) had seemed to regret that it was not in his power to grant charters. He (Lord Ellenborough) had not quite the same feeling; and, for the formation generally of joint stock banks, the events of the last few years had not led him to look with an eye of great favour upon joint stock establishments. As it was impossible, however, to doubt that the noble earl was in favour of a system of restriction, it was to be regretted that into the present bill, out of which joint stock banking companies might arise, a provision had not been inserted for the purpose of restricting such companies in their operations. The measure for putting an end to the circulation of small notes at the end of three years, was a measure only of justice and humanity to the poorer classes, and therefore he highly approved of it; but still approving of it entirely, as far as its operation went, it was not a measure which would reach the causes of the existing mischief; for if the noble earl looked at the papers which lay upon the table, he would find, that of 3,000,000*l.* of country bank paper, issued between last year and the year before, scarcely 1,000,000*l.* had been issued in notes under 5*l.* Therefore the truth was, that the putting an end to the circulation of 1*l.* and 2*l.* notes was not going far enough. To him it appeared merely idle to talk of the convertibility of notes into gold, while our system of

country banking remained upon its present footing. If that system were allowed to go on, his firm persuasion was, that the country banks must ruin the Bank of England. In February of the last year, their lordships might remember, that the Bank of England, seeing the foreign exchanges against us, had taken the just course to correct that mischief by reducing more than 3,000,000*l.* of their issues. What was the consequence? Why, that the country banks had immediately advanced their issues for every pound which the Bank of England had withdrawn. Under such a system, it was physically impossible for the Bank of England to prevent foreign exchanges from being against us. At present, the Bank of England was compelled to take the risk, not only of its own trading, but of the trading of all the country banks: their situation was one of great difficulty—of difficulty, which was daily increasing; and he was surprised how they had acquitted themselves so well under it. It was absolutely necessary to the safety of the country that the currency should be placed upon a solid foundation. He was quite sure that the noble earl (Liverpool) must feel deep apprehension on the subject; and, he trusted, that after the present alarm had passed away—with seven years of delay for consideration before the Bank charter would expire—that noble lord would propose some definitive scheme, which should give confidence and security for the future. The convulsions which the country had sustained under the old system, in 1811, in 1815, and at the present time, did mischief far beyond any actual loss that was sustained. A noble earl (Lauderdale) had said, that the country would lose 2,000,000*l.* by the recent failures; but the real mischief was in the derangement of property which such accidents produced. He (Lord Ellenborough) viewed the whole of this subject as of the highest importance; and, he trusted, the noble earl (Liverpool) would face the question firmly, and propose some effective plan for the arrangement of the currency.

The Earl of *Liverpool* said, that neither clamour nor the fear of incurring responsibility, would ever deter his Majesty's Government from doing that which they conceived to be their duty. As to the mode of relief to which the noble lord (Ellenborough) had objected, his opposition probably arose from his not having turned his attention to questions of that nature, and therefore not seeing the full bearing and operation of the course pursued by Government. What was the state of the country? A general want of confidence. Every man shut up his resources, and looked only to himself. Many banks had already ceased to issue notes, though they had still the power to do so; and in many other parts the public had refused to take the notes. There was a general want of confidence, and consequently a want of money. If the object of Government had been merely to relieve the holders of Exchequer-bills, it would have been highly improper; but the object was to throw two millions of money into active circulation. If the noble lord (Ellenborough) had attended to the question of the circulation, in 1819, he would have known that in the committee of that house, their lordships had obtained lights on that subject which never shone on them before. They mostly, he believed, went into the committee, thinking that the issues of the Bank for the purchase of Ex-



chequer-bills were much less beneficial to the country than the issues for discounts; but they all came out of that committee satisfied that there was no difference, in the end, as to the effect, whether the issues were in discounts or in Government securities—whether they went in the first instance to particular individuals or the public at large. The Bank, it was known, had always acted with the greatest impartiality; but he spoke on high authority when he said, that whether relief was given by one means or by the other, precisely the same effect was produced. The greatest relief that could be given in the most satisfactory and the safest way, would be given by the measure that had been adopted. The appointment of a commission to examine claims and grant assistance, would have been an operation requiring time; and though the most just and candid execution of such a trust might, no doubt, have been relied on, yet it would have been difficult, among many applicants, to say which were entitled to preference. Again, it would have been a measure of direct interference, which Government was desirous, as far as possible, to avoid, and which would be avoided by the course now suggested. This measure had been proposed as the most expeditious mode of putting money into circulation, which was what the country wanted. If that money got into circulation in the way intended, it would operate decidedly as a greater relief than any measures which could have been taken by a commission, the business of which would have been to single out particular cases of distress. The course proposed was altogether simpler, more natural, and less objectionable in point of principle.

This bill was then read a second time, and ordered to be committed on Monday.

**COMMONS.**—The *Chancellor of the Exchequer* rose to move the order of the day for the second reading of the Promissory Notes bill. Before he did so, he wished to state to the house that it was his intention in the committee to submit a proposition, not to the extent suggested by an hon. member (Mr. H. Gurney), which he thought went too far, but a modification of it. The hon. member's proposition was, that whilst the circulation of small notes should be prohibited to country bankers, it should be permanently allowed to the Bank of England: to that he (the Chancellor of the Exchequer) had a decided objection. It would be unjust to the country bankers, as well as inconsistent with the principle of the measure before the house. But it had been represented to him (the Chancellor of the Exchequer) that a limitation of that proposition, so far from impeding the measure, would promote its success. It was his intention, therefore, to propose that instead of prohibiting the Bank of England from issuing small notes dated subsequently to the 5th of February last, they should be allowed to issue such notes dated previous to the 10th of October next. The object of this proposition was, to give the country bankers facilities for preparing themselves for the effects of the bill, and the gradual withdrawal of their notes. If they were all compelled to withdraw their small notes at once, it would be productive of great inconvenience. The Bank of England would be still equally bound to withdraw its notes at the end of three years, as the country bankers.

Mr. *Ellice* protested against this proposition.

Was it for the advantage to be gained by this paltry limitation, that the old scenes were to be renewed, and men brought to the gallows as before? There had been no measure less defensible than the re-issue of these 11. and 21. notes; and the Bank directors, unless the necessity had been extreme, ought to be arraigned for it. Under pretence of a relaxation of this measure, these 11. and 21. notes had been sent into the country, and every means had been employed to get them into circulation.

Mr. *Bright* said, that they were not justified in carrying the measure into effect. He was compelled to express his disapprobation of the conduct of ministers; and he would say that the measure they had proposed was not equal to the emergency.—The details of the distress in 1793 were to be found on the table of the house, and members would do well to read them. And what did Mr. Pitt do on that occasion? He issued Exchequer-bills, and the distress of the country was cured, not only with no loss, but with benefit to the state. Why should we now adopt new expedients? Why not profit by the experience and the wisdom of our ancestors? He was no speculatist—no theorist, and disliked the fashionable philosophy of the day; and he asked the country to adopt the wise measures of Mr. Pitt.

Mr. *Huskisson*:—An Exchequer-bill would afford no relief, unless it could be converted into money. The hon. member admitted that Exchequer-bills could not be bought—for who was to buy them?—and yet he recommended an issue of them. This was a contradiction which could not easily be reconciled.—Another hon. member (Mr. *Ellice*) would have the Bank Directors impeached for issuing 11. notes.

Mr. *Ellice* explained. The hon. member should have looked to the conduct of the Bank in their circulation. When they had collected a sufficient quantity of gold, they had so little desire to circulate their notes, that they were anxious to withdraw them from circulation, and they would be glad to withdraw those they had now issued. The object was, to make the pressure of the withdrawal of the country notes as easy as possible; so that if there were danger, through apprehension or otherwise, the principle was not risked, but provision was made against any mischief which might arise from the execution of the measure.

Sir *John Wrottesley* remarked, that if any one should write a history of the origin, decline, and fall of this country, he would probably say, that at first it was a Lilliput, governed by dwarfs; it next became a Brobdingnag, governed by giants; and then a Laputa, governed by philosophers. The rt. hon. gent. (the Chancellor of the Exchequer) had deserted his own principles. He first contended for a metallic currency,—then he substituted a Bank of England note,—a note of all others the most easily forged. He (Sir J. Wrottesley) knew it to be a fact, that within fourteen miles of Birmingham forged Bank of England notes had been offered forty-eight hours after the time those notes were re-issued.—The bulk of the provincial notes came back to the country banks, upon an average, once in six weeks. Now, if the banker must bring gold from London, he would not re-issue his notes, and the country would have no circulation at all.—With respect to the metallic currency, he had been informed that ten out of fifteen sovereigns brought to the Bank were not worth 18s., being sweated down



(hear, hear). There were also a vast number of counterfeit sovereigns abroad. In this dearth of genuine circulation, ministers took away country bank notes, which were seldom forged, and suffered the issue of Bank of England notes, which were easily forged.

Mr. H. Gurney had on a former occasion stated the great distinction which he drew between the Bank of England small notes, and those of the country banks; and he could readily understand the necessity which prompted the circulation of the one after it was thought right to withdraw the other. The fact was, that the great danger was that of being left without any adequate circulating medium. With respect to the three years to be allowed for withdrawing the country bank small notes, it was obvious that this was tantamount to their being put down at once. The larger bankers would, of course, take immediate measures to call in theirs, and the smaller ones that attempted to keep any afloat, would find them return so fast, as to render any general circulation impracticable. Indeed, he knew an instance which he had heard so late as yesterday, of a banker in a manufacturing district in Yorkshire, upon whom a small note circulation of 13,000*l.* had been brought back, and paid off no less than three times within a few days. This at last so irritated the banker, that he flung them into the fire; and in the same manner would the rest of this branch of the circulation disappear from the same cause. Under these circumstances, it was of great importance that the Bank of England should have a power to replace, under proper supervision, a portion of the circulating medium so withdrawn. The arrangement for effecting this should be so devised, that the Bank circulation should not interfere with the process for recurring to a metallic currency, of which the metropolis was the centre of movement, but was rather to slide gradually and quietly into the vacuum occasioned by the withdrawing of the country notes. Now, as to the effect of this measure upon the operation of the general plan for resuming a metallic currency, he should more say, that no metallic currency could be had on a sufficient scale co-existent with the small country bank notes. The two things could not possibly exist together; and, in fact, the substantial country bankers would see, that the profit of their capacity to issue the smaller notes had been greatly exaggerated, and that their interest, as well as credit, lay in assisting as rapidly as possible in the restoration of cash payments. His opinion of the present proposition was, that its only bad effect would be the insufficient time given to the Bank of England for assisting in the execution of the plan; and, instead of its being limited to next October, he did not think twelve months would have been too long.

Mr. Cripps:—With respect to the discredit said to be thrown on the country notes by late occurrences, he thought that the hasty steps taken by some of the bankers themselves for their withdrawal were not the very wisest which circumstances required. The fact stated by the hon. member of the thrice repayment of 13,000*l.* of local notes within a few days, was too extraordinary an occurrence to happen on a general scale. He was not afraid of the probable consequences of the present measure, nor could he bring himself to the conclusion that it would affect the prices of produce in the manner

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that some gentlemen apprehended. At the same time, with reference to agricultural produce, he would admit it to be extraordinary if *that* could remain stationary, while the prices of all commodities were sinking. It was, however, a little hard that the Bank should be allowed to carry on their small note circulation till October, while all the country banks were prohibited from issuing theirs at once; and it was hard in this way—the country people generally preferred their own local notes, where the bankers were in good credit, because they had so often suffered from forgeries upon the Bank of England. As to the sufferings from speculations, and their connexion with the prevailing want of confidence, all he should say was, that it was not the wild and the thoughtless who alone went to ruin, but the most prudent and cautious had dreadfully suffered within the last few months, without incurring the least imputation upon their probity of character. Indeed, he knew a friend, a man of large landed property, who, having some thousands of pounds to spare, laid out 10,000*l.*; one half in Exchequer-bills, and the remainder in Consols; and yet, by the purchasing of good Government paper, this individual had lost more than he was likely to lose by dealing in any other species of securities. With respect to the late purchasing of Exchequer-bills, it was certainly calculated to afford relief; but it ought and might be carried further, if the Bank were empowered to extend their advances upon other substantial securities, which were at present unavailable in the market. This would, he had heard, be an injurious precedent. Why talk of precedents in the present crisis of the money-market, which was much more appalling than that of 1793, or any other year they had heard quoted as a season of difficulty? It was idle to tell people that they had brought all this upon themselves; but, suppose they had, ought not a great effort to be made to relieve them? Otherwise it would be like refusing the aid of a physician to those who had made themselves ill by their own imprudence.

Mr. Calcraft condemned the course pursued by Government, in extending the time for the Bank of England circulation of paper, and suddenly, and by a retrospective provision, suppressing that of country banks. Different would it be, were the latter allowed to have their notes stamped till the 10th of October, for then the concurrent operation of the two privileges would leave the people to the option of taking whichever notes they liked, without being exposed to the dangers they must now encounter from forgeries—from those forgeries, too, upon the Bank of England notes, which had been so prolific of executions, as to shock the moral feelings of the public. But had not the Chancellor of the Exchequer already departed from his avowed plan, and availed himself of the arguments of gentlemen on his (Mr. Calcraft's) side of the house, though he had at first decried them? The Government had themselves by this vacillation much increased the evil; they had added largely to the panic, by recklessly decrying the circulation of the country notes; they had just succeeded in diffusing mischief over the only existing currency the people had to depend upon; and done this without having it in their power to supply a better currency for their use (hear, hear). Ministers had shewn an utter incapacity throughout the whole of their late movements, and this imputa-



tion was cast upon them from all quarters of the country. Instead of crying down, as they had done, the remaining country banks that had ridden through the storm, they should have rather supported their credit; for it would be seen how well that stood till the Government had shaken it by their gratuitous and unfounded attacks. This would be demonstrated when the returns were made of the country failures, and the explanations of the number even of those that had resumed, or were in a condition of resuming their full payments. When the first shock had occurred, and large manufacturing establishments were crippled, the assistance afforded by the Government was, to discredit the only currency which maintained the transactions of the public out of the metropolis. All this would have been very well, if they could have supplied a metallic currency, (no doubt the best of any); but here they had no such thing, and yet they denounced its only representative. How hon. gents., who had supported the measures of Government in the principle of their immediate recourse to cash payments, could now vote with them upon their altered plan, he left to be reconciled by those who could encounter the most flagrant contradictions. He would take the sense of the house against this plan in all its stages, because he believed the Government were not only mistaken in their prospective arrangements, but perfectly ignorant of the causes of the prevailing distress. Indeed, the panic they had occasioned had so entirely removed the country notes from their local circulation, that he had a letter in his pocket from a gentleman in Yorkshire, which declared that in his part of the country they were, for want of a proper circulating medium, reduced to the custom and necessity of barbarous ages, and obliged to barter and truck with commodities, giving meat for clothes, and labour for bread. He concluded by stating that he would not pursue his triumph over Government for their vacillation and imbecility in this business, but would endeavour, in the future stages of this proceeding, to contend for the co-existent power of the country banks to issue notes, while that privilege was reserved for the Bank of England.

Mr. Tierney cordially assented to the principle upon which the contemplated measures of ministers were founded—namely, the speedy return to a metallic circulation. He knew it to be a sound principle—he thought the Government were serious, and knew what they were about, respecting it: indeed, he admired them for the apparent stoutness with which they had brought forward the measure. But what was the case now? The ministers had no sooner announced their plan, accompanied by this firm declaration of its inviolability, than they came forward with a new proposition, which, mitigate it as they would, was a material abandonment of the principle with which they had set out (hear, hear). Throughout the whole of these proceedings, indeed, he had witnessed the strangest indecision, and wandering from one point to another in their course,—at one time exhibiting more firmness than the occasion required, and at another the most compromising distrust. The Chancellor of the Exchequer and the First Lord of the Treasury had set out with what he would not call their well-considered letter to the Bank, partly because he did not think it had been well considered at all (a

laugh), and partly because (though he knew that meaning was not intended) it indulged in expressions which were liable, as they had been, to be misconstrued by their enemies, into indiscriminate reflections upon the country bankers. This letter was followed by the exposé of the two branches of the system which the Government had determined to act upon—the increase of the banking partnerships, and the wider basis, to which all good men looked forward, on which the gold currency of the kingdom was to be re-established. Who could have believed that this wholesome plan was destined hardly to be developed, when it was to be materially altered? From the 5th of February no new stamping of country small notes was to be allowed, and their gradual abolition was decreed within three years. He thought, at the time, that this process would be rather too slow than too abrupt; he thought then, as he did now, that the Government could have so arranged their resources as to make the necessary supply of gold for the withdrawn notes as rapidly and conveniently as the nature of business could have required it. But now the Bank of England was, by a new manœuvre, to have nine months longer for issuing small notes than was to be allowed to any other banking establishment; and an hon. gent. (Mr. H. Gurney) had regretted that twelve months instead of nine were not afforded for this operation. Now he (Mr. Tierney) was at a loss to understand why the nine months would not answer as well as nine years. The position of the Chancellor of the Exchequer in his former statement was, that these small bank-notes, and a metallic circulation, could not go on together. This was a very clear and irrefragable position; it was not, at all events, one of the new-fangled ones, of which they had heard so much, for it was at least 100 years old, and to be found in many good old books which had early promulgated the doctrine that a good and a bad circulation could not co-exist, for that the bad would inevitably soon send the good about its business. Yes, and it would do more—it would prevent the good from coming in to recruit even for a moment, where it was wanting. But there was another consideration:—what was to become of these 11. notes, which were to go on till the end of three years? Did ministers think they would readily give way for the gold circulation in the manner it was to be doled out? He had not seen the famous note alluded to as having been sent by Mr. Burke to Mr. Pitt; but he perfectly remembered Mr. Burke's declaration, that as long as the country kept a 11. note in circulation, they could not expect to see a guinea. Now he begged not to be understood as one of those who was panic-stricken at the prospect of affairs; on the contrary, he had a great reliance on the energy and resources of the country. He saw no cause of permanent alarm arising from recent events, neither was he impressed with a belief that this want of confidence would endure: distrust was certainly afloat,—a want of confidence, which the Government seemed by their measures rather to prolong than to mitigate. What was the origin of the alarm which had seized upon men's minds? In looking to that, it was impossible for him to exculpate the Government, or to refrain from censuring their policy. The besetting vice of this country—that which ministers were constantly doing their best to diffuse, by every exertion and energy they



could command—was the rage of keeping up prices. Every country gentleman trembled at a reduction of his rents—every merchant exclaimed against lowering the price of his goods, and all classes vied with each other in keeping things at the same level at which they had been for years back. In fact, they were all mad enough to wish to keep up war prices in a time of peace. He held the attempt to be utterly impracticable: it could not go on; it was madness to think of it; and he would lay down this as an irresistible proposition—that the basis of a metallic currency, and the maintenance of the present prices, could not be effected at one and the same time (hear, hear). He would listen to no man's nostrum that had for its object the continuance of the war prices, and the security, at the same time, of a metallic currency. The attempt had been too long encouraged to preserve such a delusion, but they were all daisy, and must fail. In 1822, the Government had made an issue of Exchequer-bills, and the Bank, in concurrence with them, entered into measures which had the effect of giving a great stimulus to public-money-matters, and of lowering the rate of interest. What the Bank had done in their share of the business was, he had always heard, done on the suggestion of the Government. The measures that were adopted on the occasion to which he alluded, were of a very unusual kind. The Bank thought it right to step out of its proper line of business, and lend money on stock, and afterwards to make advances upon mortgages at 4 per cent. These proceedings had necessarily the effect of keeping up the prices of both stock and mortgages, while, contrary to all usage, it swept down the rate of interest throughout the country. It was not alone the advances on mortgage at four per cent. that created this effect within the sphere of the particular bargains of the Bank, but its principle operated immediately from one end of the country to the other. No man would pay more than four per cent.; if more were demanded the borrower threatened to pay off the incumbrance and burrow of the Bank. The Bank at length found itself getting into a predicament, and began to waver between the influence of its two gods—its god of gold, and god of Government (a laugh). Then out went Exchequer-bills for sale into the market, and out came the issues of the Bank, which drove men into wild speculations. Oh, but it was said, it was the overtrading which had done all the mischief. Overtrading did they call it? What was the meaning of the word? It was, when a man did not succeed that he was nicknamed an overtrader; it was applied here as in the distich about treason—

"Treason doth never prosper: what's the reason?"

"Why, when it prospers, 'tis no longer treason" (a laugh).

But when the speculator succeeded, then he became the sagacious and enterprising British merchant (a laugh). But, as he had before said, the Government had, from first to last, fostered this spirit, and not foreseen its consequences. Had they last October kept their eyes upon their own system, they ought to have foreseen its re-action: then, indeed, some trifling assistance might have been afforded, and with beneficial effect. If it were said Parliament was not sitting at the time, his answer would be—convene them on purpose; for

a little if taken in time would have done what could not now be expected from much larger aid. Unfortunately that period was suffered to go by. The panic shewed itself more and more every day. At last Parliament met, and then Government proposed the measures to which he had adverted. He knew that ministers were beset on the occasion by men who were clamorous on the subject of the evils they were likely to suffer, and the purchase of Exchequer-bills by the Bank was gladly received as a means by which many of them could be relieved. This measure, however, would not answer the end proposed; nor did he think those proposed by Government would have the desired effect. At the same time he was not one of those who despaired of our situation. The distress did not arise from the want of capital so much as the want of confidence, and he was satisfied that if some measure were adopted by which that confidence could be restored, the country had the means by which its affairs would return to their former course. He thought that if an issue of Exchequer-bills were now made, it would do a great deal of good. He approved entirely of the issue of Exchequer-bills in 1793. On that occasion he was not in Parliament; but had he been, he would in all probability, like a good soldier, have fought under the banners of his party, and he believed they opposed it: but the measure was sound and good. But the purchase of Exchequer-bills by the Bank would not have the same effect. The man who, on Monday last, purchased Exchequer-bills at 22s. discount, would no doubt find it a pleasant thing to go into the market and find them at a premium, or at par; but the person who had traded, or overtraded, as it was said, would obtain no benefit. Perhaps, after all, the man who might be relieved was the last person who was entitled to relief; and the first thing he would do when he got his money and his 22s. profit, would be to go and lock it up in his chest (a laugh). Thus the relief given by the purchase of Exchequer-bills would be altogether uncertain in its effects. A part of the proposed plan went upon the assumption that the country bankers would not re-issue their small notes. He did not believe a word of it. He had no doubt that they were very much out of sorts—a little angry, and very much frightened: but let nobody suppose that they would all follow the example of the clever man they had heard of a little while ago, who threw 13,000*l.* into the fire. Men were no doubt in a state of dismay and irritation; but they might depend upon it things would come round (cheers)—aye, and he should not be surprised if that gentleman who threw his money into the fire should set about raking in the cinders, and, if he found a few stray notes, would soon put them in circulation again (much laughing). He would repeat his opinion, that all that was wanted was the restoration of confidence. That would call forth the hoards which were now left unemployed. Abundance of the precious metals would be forthcoming, if this confidence were restored. But the fact was, the country bankers were offended. There was, here and there, a strong expression of blame upon them in the late document which Government had published in their correspondence with the Bank. Perhaps those expressions were not meant to give offence; but it did unfortunately happen that they were taken offensively. Was the present new course likely to



conciliate the country bankers' feelings? On the contrary, was there any thing which could be more likely to crush those very country bankers than the distinction that was now made of allowing the Bank of England to add to their issues of small notes, while the permission was denied to the private banks? Was it not saying in direct terms—not that the Bank of England notes were so much more certain than theirs, but that theirs were not certain at all? For his own part, he wished well to the country banks, for he thought their existence would be attended with great benefit to the country, so long as their issues were on a solid basis. He would wish to see them generally on the basis of those in Lancashire and London. The evil which arose from them, was not that they had the power of lending money to a great extent, but that they should have the power of making notes for the purpose of lending (hear, hear). If they really had money to lend, they would be beneficial—as long as they could say, “here is the money to lend, provided you give us the security;” but it would in the end be no benefit to say “we will lend our notes,” if those notes did not represent real property. He would wish to see the country banks flourish on a wholesome basis. If the country knew of a good security on which to rely, there would no longer be hoards of gold. There would be large paper issues, but they would be, as they ought to be, bottomed on a metallic security (hear, hear). If he were asked what measure would be productive of much good in the present state of the country, he would say an issue of Exchequer-bills for the relief of the commercial distress. That would help many parties through their difficulties, and bring back a sound state of things. But if Government were to do any thing, let them do the right thing. He would not say what sum it might be proper to issue. If the whole sum of 5,000,000*l.*, which had been spoken of, were to be issued on proper security (as no doubt the commissioners would take care to obtain, as they had done before), it would, he was sure, have a most beneficial effect on the country. They would have then a sound state of things. They would have a large paper currency bottomed on a metallic basis, which would prevent the recurrence of many of the evils under which the country laboured (loud applause at the conclusion of this speech).

The Chancellor of the Exchequer said, he did not rise at that late hour to enter at length into the topics which the *rt. hon. gent.* (Mr. Tierney) had introduced, but he hoped on a future occasion to shew, that the principle of his deviation was not inconsistent with what he had proposed. He rose for the purpose of saying a few words as to the observations that had been made respecting the dealings of Government with the Bank. He was willing to take his share of the responsibility of what was done by the Bank, as far as it arose from any of the measures proposed by ministers; but in saying this, he would observe that ministers ought not to be made accountable for transactions by the Bank in which they had no participation, and over which they could exercise no control. The paying off the four per cents. was the measure of Government, and not of the Bank, and for the consequences of that they were willing to take the responsibility; but for some other of the measures to which the *right hon. gent.* alluded, the Bank alone were accountable. Thus, for instance,

the lending on stock had been attributed to Government. Now, he would state, that so far from that being a measure suggested by ministers, he did not know of it till it had ceased. Next, as to the lending on mortgages. That was an act entirely originating with the Bank, and of which he knew nothing until it had taken place. He would not argue whether it had been right or wrong for the Bank to take that course; but it was not necessary to shew, that if it had not been adopted the issues of the Bank would not have been so great. With respect to the dealings in Exchequer-bills, he would observe that the only part of that measure for which Government were responsible, was that which arose from dealings between the Bank and them, in which the Bank had advanced money upon them. It was not usual for the Bank to issue money on such bills to the public; but as to the selling of Exchequer-bills last summer, it was the act of the Bank themselves, and done on their own responsibility. It seemed to be the opinion of some hon. *gent.*, as he could collect from the debate of a former evening, that Government could control the proceedings of the Bank at pleasure. Government possessed no such power, nor did they wish to possess it. He had mentioned these circumstances with the intention that hon. members, in viewing the proceedings of the Bank and the Government, would give to each the blame or credit which belonged to them, and not attribute to one what solely belonged to the other.

Mr. *Ellice* said he would not divide the house, because, from the declaration of the Chancellor of the Exchequer, he did not think he was opposed to the principle of the measure recommended.

The bill was then read a second time, and ordered to be committed on Monday.

LORDS, MONDAY, FEB. 20.—The Earl of Liverpool moved the order of the day for the committal of the Bank Charter Bill.

Lord *King* said, that on hearing the speech of the noble earl (Liverpool) on Friday last, he thought the noble earl had proved to demonstration that it was impossible for 1*l.* and 2*l.* notes and sovereigns to circulate together, and to the circulation of the small notes the noble earl had attributed no small portion of our present difficulties. Nevertheless, at the very moment when he was in the heart of his demonstration, the noble earl's lieutenant in another house announced that the small notes of the Bank of England should have a preference over coin. He never could have expected to see such imbecility of conduct. It was allowed that both the Bank of England and the country banks had issued paper to excess, and that there was a general superabundance of paper. Now, however, he expected he should be told that the Bank of England was conducted on the best of all possible systems; that the country banks were managed in the most perfect manner, and that the best of all currencies was that which was formed of those miserable 1*l.* and 2*l.* notes which the other day had been so much reprobated. He was afraid that a large portion of the landed interest thought their interest concerned in keeping up this paper currency; and yet nothing was more dangerous to property of every description. For his own part, he not only desired to see gold substituted for the small notes, but even for the 5*l.* and 10*l.* notes.



The Earl of *Liverpool* said, that nothing had been done or proposed in opposition to the principles on which the measure brought before the house was founded. If the noble lord had done him the honour to attend to what he had stated, he need not have referred to what passed in another place on the subject of the power intended to be given to the Bank. He (Lord *Liverpool*) had made the very same proposition at the close of his speech on Friday last. The object of the measures now before parliament was to get rid of the small notes altogether; but as that could not be safely done at once, it was thought advisable to make the circulation of those notes finally determine at the expiration of three years from the present date. With regard to the Bank of England, however, he wished their lordships to recollect, that that body had, by a law passed in 1822, the power of issuing 11. and 21. notes. But no use had been made of this power by the Bank until December last, and then it was not exercised until after consulting with the Government. It had since been found that many of the country bankers, instead of letting their notes run out, had put an end to their circulation altogether. That, however, was far from being the intention of the framers of the present bills, who thought that the change in the circulation should be gradual. It became desirable, therefore, to meet the deficiency of circulating medium which this conduct of the country bankers might occasion, to give the Bank the power of issuing small notes for a certain time. But when the bill should come before their lordships, they might accompany it by any guards which might be considered proper. If the bill did not come up to that house in a satisfactory state, their lordships might mend it by a clause, requiring the Bank to return weekly or monthly accounts of their issues.

The Marquis of *Lansdowne* said, that if the bill before the other house should pass, unguarded by any restrictions, it would be doing nothing less than giving the Bank a power to defeat the whole measure. The noble earl had admitted the impossibility of the concurrent circulation of small notes and specie: it would, therefore, be necessary to guard against the increase of these notes, if the measures now in progress were wished to be effectual: and here it must be recollected, that their lordships had not the same means of ascertaining the quantity of small notes of the Bank of England as of the country banks, in consequence of the Bank not being under the necessity of going to the Stamp-office, but paying a composition for their stamps. Supposing then the Bank were disposed to take advantage of the power about to be given, they would have time enough between this and October to deluge the country with paper sufficient to last during the whole three years in which the small notes were to be allowed to circulate. However, he was not prepared to say that the power suggested might not be so guarded as to remove much of the objection which he had to it.

The Earl of *Liverpool* expressed his willingness, if the bill did not come up in a satisfactory shape, to concur in any amendment which their lordships might consider necessary.

The Earl of *Rosebery* agreed with those who thought that the transactions of the Bank, with regard to the military pensions and the reduction of the interest of the debt, had contributed to the present difficulties; for the circumstance

of the Bank becoming purchasers occasioned large issues of notes on inconvertible securities. It was said that the Bank had the power of re-selling: but the sale of the annuities had been previously attempted by Government without success, and it was not very clear how the sale was to become easier for the Bank.—With regard to the measure for calling in the small notes, he begged to be understood as limiting his approbation of it, exclusively as it applied to England. Every reflecting person acquainted with the state of Scotland attributed its rapid prosperity, next to the free institutions which in common with the rest of the empire it enjoyed, to its system of banking: he could not, therefore, hear, without alarm, any idea thrown out of an intention to interfere with the currency of Scotland. He doubted whether it would be proper to extend the present measure to Ireland; but that was a question upon which those who were more intimately acquainted with that country were more competent to decide. He conceived that the existence of the usury laws produced great embarrassment. If the interest of money were placed on a proper footing, it would flow where it was wanted, and carry relief with it.

The Earl of *Limeric* hoped that any measure which might be adopted with regard to Ireland would be gradual, in which expression

The Earl of *Blesington* concurred.

The Earl of *Liverpool* assured their lordships, that when a proposition for extending the measure to Ireland should be brought forward, he should endeavour to look with all possible attention to the peculiar circumstances of that country. Ireland had had its time of embarrassment two or three years ago, and was now recovering chiefly from the introduction of the system which it was the object of the Bank Charter bill to accomplish for this country—namely, that of allowing banks to be established by joint-stock companies.—It was a curious fact, that after the Bank restriction, and during the war, when not a guinea was to be seen in this country, rents were all paid in the north of Ireland with gold. This supported the view he had taken, that gold and paper could not exist together.

The Earl of *Lauderdale* said, that one cause of that curious fact, alluded by the noble lord, was this, that the Irish landlords would only take their rents in gold, so that the tenants were actually compelled to pay them in that manner. This might have satisfied the noble earl, but, had he gone further, he would have discovered a circumstance quite as curious as the fact itself; and that was, the mode in which these payments were managed. When the rent day approached, the sum of five hundred guineas was sent down to Dublin, and given to one set of tenants in exchange for their notes. They then paid the rent in gold, which, as soon as it was thus received, was handed to another set of tenants, in exchange for their notes; and this being repeated till all the tenants had paid their rents, it might be literally said that they all paid their rents in gold (a laugh). The money was then returned to Dublin, from whence it came, there to remain till another rent-day should require it to make a second journey into the country (a laugh).

The Earl of *Blesington* denied this statement, which he characterised as a mere piece of ingenious humour.

The Earl of *Limeric* supported this denial,



currency alone? Surely not. He (Mr. Hume) had seen in India the inconvenience occasioned by having nothing but a metallic currency. If half a million of money had to be transported for the use of Government from one part of India to another, it could only be done through the instrumentality of a cart and a party of Sepoys. The Supreme Government of that country had been obliged to establish a bank for the purpose of removing these difficulties. The whole of the late evils must be attributed to the Government not putting the country banks upon a good principle; until they did that, neither the resolutions of the Bullion committee, nor any new measures, would prove an effectual remedy. It was said that the present plan was adopted for the sake of protecting the poorer classes. Confidence would be established in such a currency, and the recurrence of such panics as the country had recently witnessed, would be entirely avoided. With a paper convertible into gold, that purpose would be much more effectually answered by compelling bankers to give security for their issues. It was his opinion that no banker should be allowed to issue a 1l. or 2l. note until he had deposited a security for it. A deposit should also be taken from those who issued large notes to full two-thirds of their value; and if there was ever a failure in the payment of them, the recovery of them should be effected by a summary process, similar to that granted by the 37th Geo. 3, whereby it was enacted, that if any person who issued notes should refuse to make good his payments, the holder should apply to a magistrate, who should direct a distress to be levied on the goods of the issuer within three days after the application was first made to him for payment. That bill, which had been discontinued in 1816, should be re-enacted, together with the clauses which he had already mentioned for the regulation of deposits. In the United States, they had an example of banks established on the best principles. The government there was not permitted to borrow half a million of dollars of the bank, in which it held shares, without the consent of the legislature; whereby the bad effects of government dealings with the bank were completely prevented. From an account of the manner in which the capital of one of these banks was employed, it appeared that out of 35,000,000 of dollars, 33,000,000 were employed in discounts, a liberality which formed a striking contrast with that of the Bank of England, which out of a capital of 11,000,000l. only employed 2,500,000l. in discounts. Out of 35 banks which had been established by the legislature in the state of New York, not one had failed; and that which had occurred two months ago in Scotland, had occurred 15 years ago in America; for during the distress which then prevailed in that country, all the banks voluntarily came forward to support each other. Here, from the connexion between Government and the Bank, affairs took a different course, and he (Mr. Hume) thought that the principal cause of our present situation was the measure which Government had taken to reduce the interest of money, in conjunction with the Bank and other public bodies, with whom it ought to have had no connexion whatever. The advances beyond their means required from the Bank by Government, greatly contributed to excite and encourage that spirit of speculation and gambling which both were

now ready to condemn. Besides, the degree of confidence, which these measures naturally introduced into the commercial transactions of the kingdom, led to that over-trading by which, in his opinion, the distress was mainly occasioned. In 1720, distress prevailed to an extent at least as great as that which we were now suffering; the number of bank notes was then wholly inconsiderable: the same universal spirit of speculation was felt; but although the country had then all the advantages which could be derived from a metallic currency, the very same consequences ensued which it was now attempted to ascribe to the paper issues. This instance, as well as that of 1793, which was of a similar nature, convinced him that it was altogether futile to attribute the distress to any such cause. The real cause was to be found in the pernicious system which was established between the Government and the Bank. It was too much the fashion to praise the Bank of England for what was called the liberality of their conduct on certain late occasions. Before he joined in heaping those praises on the Bank, he should like to know, whether it was true or not that they had lent large sums on the deposit of stock—whether, as had been asserted, they lent between 1,000,000l. and 2,000,000l. to Mr. Rothschild on such deposits—and whether the gold thus procured was not carried out of the country to effect some of the foreign speculations in which that gentleman was engaged. The conduct of the Bank it was, that fostered the spirit of speculation, and raised the fever to its greatest height, and at that moment they thought fit on a sudden to draw back. This occasioned the panic which seized the whole commercial world, and led to the distress which the house was now called upon to remedy. The extravagant trading was an evil, but it was not one that could not have been easily cured. It might have been gradually let down, if the conduct of ministers had not been such as to increase the difficulties. He held in his hand an account of the sums which had been raised in England in 1824 and 1825, in the shape of foreign loans, and to which, as they were the means of taking away the actual capital of the country, he was much more inclined to attribute the existing pressure than to any of those causes which had been mentioned. By these accounts it appeared that ten millions had been paid by England, in foreign loans, in 1824, and more than six millions in 1825. The total capital of foreign loans at present in the British money market amounted to 33,000,000l. The total loss accruing to the nation by the fall of price on this capital, below the contract price, 6,500,000l. Thus it would appear, that the contractors and others concerned in the foreign loans, raised in England during the last two years, were now sustaining a loss (between the price which they could now obtain in the market, and what they gave for the loans to foreign governments) of six millions and a half; and if they viewed the loss as exhibited by the high prices in the markets in the early part of 1825, compared with those which could be obtained for foreign bonds at the present moment, there was a loss sustained by one or other of the parties engaged in them of nearly ten millions. Independent of the mischiefs resulting from these extravagant loans, the calamity was heightened by the increase of importations of cotton and other articles of merchandise over former years, and over a commensurate demand

for them. This item might, in the absence of official documents, be thus estimated. The excess, from comparison of the prices current of 1824 and 1825, had been found to consist principally of wool, cotton, timber, coffee, silk, increased stock of cotton, 220,000 bales; of silk, 1,600,000 lbs.; timber, coffee, wine, &c. about the value of 1,300,000l. The total value of these articles of increased importation was about six millions. All these articles, he supposed, were locked up in warehouses, there being no suitable demand. The following then was the statement up to the present date, of the advances made on foreign loans, mining shares, and adventures, &c. which showed the total money expended, for which a market was wanting:—

|                                                                                                                                                                                                                           |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Advanced for Foreign Loans - - -                                                                                                                                                                                          | 8,125,700l.  |
| Ditto, Foreign Mining Schemes and Adventures - - - - -                                                                                                                                                                    | 3,097,000l.  |
| Ditto, for excess of import of Goods, valued at the present low and ruinous prices - - - - -                                                                                                                              | 6,000,000l.  |
| Ditto, for more paid for the Goods imported in 1824 and 1825, than can now be obtained, or has been obtained for them by sale, since they were imported, 10 per cent. on the total import of 1825, 36,080,000l. - - - - - | 3,600,000l.  |
| Total - - - - -                                                                                                                                                                                                           | 20,822,700l. |

Another injurious effect of the recent panic, was an actual alteration in the mode of doing business. Formerly, a merchant who exported goods to South America, could obtain money in expectation of their payment on their arrival abroad. But this was no longer done. Distress prevailed universally where confidence prevailed before, and the ordinary transactions of commerce were diverted from their accustomed course. This disorder in mercantile business, and this large abstraction of a capital of from twenty to (he doubted not) near thirty millions in value, both of which were the effect of over-trading, accounted in a much more satisfactory way for the distress under which the country laboured, than the over issue of a few millions of paper-money. As to the various gambling speculations in mining companies, to which he was disposed to pay less attention than to the loans and to the introduction of a system of over-trading, as in these speculations, property, for the most part, might be said to have only changed hands, although they greatly tended to inflame the bubble, and increase the issue of bank notes, yet the money which they had actually taken out of the country was inconsiderable compared with the nominal value of the shares. He had learned, that upon the Anglo-Mexican, the Anglo-Chilian, the Anglo-Peruvian, and other companies, the objects of which related to foreign countries, the whole amount of money paid up did not exceed 3,097,000l., and of this sum not two-thirds, scarcely one-half, had been sent out of the country in the shape of machinery or otherwise. The speculation in these shares, then, could have had no other effect than that of raising the spirit of too great confidence in the commercial world, and this to no very considerable extent. The Government, by adopting the present measure, would only prove themselves to be disciples of Mr. Cobbett; *Ses. 1826.*

they would give the most forcible confirmation to the system which that person was continually preaching up; they would echo the alarm which he was incessantly sounding, and would actually produce all the evils which he had attempted to excite, and had hitherto attempted in vain. As the law at present stood, all the advantages which could be produced by a paper currency, convertible at will into gold, might be obtained. To alter this would produce incalculable mischief, and would make it impossible to collect that immense load of taxation, with which ministers, by their extravagance, had burdened the country. To relieve the enormous expenses of our establishments, for which a sum of 27,000,000l. was annually wrung from the people, would go further towards remedying the evils than any of the measures which ministers were so ready to follow. He would, therefore, particularly recommend the latter part of Mr. Cobbett's petition to the attention of the Chancellor of the Exchequer, before he finally resolved upon the present measure.—He must make one other remark with respect to the Bank of England. He, who voted so often against the system of hanging by scores the poor wretches who were found guilty of fabricating and passing forged bank notes, could not see without great apprehension the prospect of all those horrors being renewed (hear, hear). He thought that since the Bank persisted in its obstinate practice of adhering to that clumsy and imperfect form of a note which every other banker in the kingdom had renounced, and since they refused to issue a note which it should be more difficult to counterfeit, they ought to have no such extraordinary power as that they had before possessed (hear, hear). He hoped at all events that a clause would be introduced to make the Bank liable to pay the notes which should be forged upon them, as all other bankers were (a laugh).—He concluded by stating that his opposition to the present measure was because he thought it inadequate; because the grounds alleged in support of it were not the real causes of the distress; and because it would rather aggravate than diminish the existing evils. He should therefore move as an amendment, "That a select committee be appointed to consider of the best means for placing the banking establishments of the United Kingdom on a better footing; for securing the holders of bank notes against loss; and for ensuring a metallic circulation in the country, commensurate with the wants of commerce, and the security of the country at all times."

Mr. *Ellice* seconded the motion, not because he coincided in all the opinions of his hon. friend, but because he wished to see his proposition fairly brought before the house.

Colonel *Davies* said, that the plan of Mr. Ricardo, which his hon. friend (Mr. *Hume*) had advocated, had been tried, and the result was now before the eyes of the house. Such a currency we had at this moment, and it entirely failed of its purpose. With respect to compelling bankers to make deposits by way of security for their issues, he had discussed the subject with a very intelligent country banker, from whom he learnt that the whole of the body to which he belonged expressed the greatest disinclination to such a system. He objected to allowing the Bank to continue their issues of 1l. notes, because it would enable that body to alter when they pleased, the value of every



man's property; and he should, therefore, oppose the amendment which the Chancellor of the Exchequer intended to propose for that purpose.

After a few words from Mr. Canning, as to the formality of Mr. Hume's amendment, the amendment was negatived without a division, and the house resolved itself into a committee on the bill. The first and second clauses were agreed to, with some verbal amendments.

On the third clause being read,

The Chancellor of the Exchequer rose to move an amendment to the clause, pursuant to his proposition of last night\*, for substituting the words "10th October, 1826," with regard to the small notes of the Bank of England, instead of "5th February last." As this proposition had been misunderstood, he would observe that it was not intended by the amended clause to leave the Bank of England the perpetual power of issuing 11. notes, after other establishments had ceased to do so. The Bank of England would have no power to retain their 11. notes in circulation one hour after the other banks. Its only object was to enable the Bank of England to issue notes dated subsequently to the 5th of February last, but prior to the 10th of October next, for currency during the three years in which the small notes would be allowed to circulate; whereas the notes of country bankers could not be issued if not stamped prior to the 5th of February last. The effect of this was to enable the Bank of England to supply, for a limited time, and to a limited extent, any sudden vacuum which might occur in the circulation of the country banks. No one could doubt, if this measure was suffered to annihilate the small notes at one blow, it would be a great aggravation of the difficulty of carrying the proposed change into effect (hear, hear). The principle upon which the measure went, acknowledged that a sudden destruction of the small notes would be an injury to the country, and therefore it provided a period of three years for their gradual withdrawal. Although he did not admit there were any serious difficulties in the way of the measure, yet he could not shut his eyes to the difficulties which must occur, if the country banks should be induced to stop their circulation at once. In the embarrassments of the last year, they had had experience of what must be the consequences of such an event. No man doubted that the issue of one pound notes by the Bank, although not in the abstract desirable, had been productive of beneficial effects, by augmenting a too suddenly contracted currency (hear, hear). He, therefore, could not see that this amendment, adopted for meeting a similar emergency, could be considered a departure from the principle of the bill (hear, hear). Gentlemen might very consistently differ as to the time; but those who had admitted the principle of delay, could not consistently oppose the proposition on any other ground. It had been said the Bank would deluge the country with small notes; but how was the Bank to get them out? The only way was by advancing them to country bankers, and therefore their issue must be limited by the pressure on the country bankers. Unless they were taken by these bankers, they would not be issued; the Bank would not throw their notes out of the window. The country banker would not substitute these notes for his

own, unless he wanted aid by means of that species of circulation to enable him to meet the demands upon him. If country bankers wanted this aid, especially at the commencement of the measure, the assistance would be limited by the extent, degree, and violence of its effects, and therefore a virtual control would thereby be exerted on the Bank, and a direct check upon an excessive issue; and unless the issue were excessive, it could not be inconsistent with the spirit of the bill.—For the purpose of guarding the Government and the Bank against any suspicion of being actuated by secret motives, in giving this further currency to 11. notes, he should propose a clause by which the Bank should be required to lay before the Privy Council, and publish in the *Gazette*, an account of all the small notes they should issue under this bill; which account should be laid before Parliament, if sitting.

Mr. Abercrombie confessed that he had never heard a speech less convincing than that of the rt. hon. gent.; a speech which showed that however correct in point of theory were the principles avowed by ministers, they shrank from carrying them into practice. The rt. hon. gent. had failed to show that there was any thing now to be adduced, which he might not as well have stated last Monday. Under these circumstances, the amendment could only be considered as a defeat of the measure. The rt. hon. gent. had put the question on the true issue, when he said that he should oppose the amendment, if it contravened the principle to which they were all pledged. But what was it but a question of time? Had the rt. hon. gent. forgot the speeches of the Secretary for Foreign Affairs, and of the President of the Board of Trade? Had he forgot how a modest proposition for a month's delay had been received? Ministers would not condescend to notice it. The President of the Board of Trade had said that the delay of a year would defeat the measure; and now the rt. hon. gent. had given eight months, during which the Bank might manufacture as many notes as they pleased. But, in proportion as notes were put forth, sovereigns would be driven out; and at the end of eight months the paper would once more overwhelm the gold. Was not this a defeat of the measure? Perhaps the rt. hon. gent. would say, the former arguments of his rt. hon. colleagues applied to the country bankers, his present argument to the Bank of England; and that it would be folly to suspect the Bank of England. The directors of the Bank might be most respectable men; but had there been one discussion since the bullion committee relating to this subject, in which the over-issues of the Bank had not been put in front of the battle, and on which we had not been told that they had been the prime cause of distress? And yet these were the persons in whom we were now to confide. A most important bill was in progress in another place, for allowing the establishment of branch-banks by the Bank of England. By means of these branch-banks, the Bank of England would have facility enough in getting out their 11. and 21. notes. And did the Chancellor of the Exchequer suppose that the Directors of the Bank did not understand his argument, and what he was about? If he gave them power to issue, with a measure in prospect to which they were averse, and let them know that if they did but issue far enough, they must inevitably defeat that measure, did he imagine that they would not do it (hear, hear)?

\* *Ante*, Note, p. 189.



he (Mr. Abercrombie) did not want the benefit of that argument. It was enough for him that the Bank might abuse the power which was to be given to them, to induce him to refuse it. The principle of the amendment—the house could not too strongly attend to that fact—was in the teeth of all admission and all experience. Every man who looked at the state of the currency, and of the questions connected with it, from the first period of the Bank restriction down to the present time, must see that if the evil was to be got rid of, it must be cut up root and branch; and that, leave but a seed of mischief behind, it would again grow up and flourish.—He paid no attention to the argument that the Bank “would not” take a particular course, and that ministers “meant” the measure to last only a short time; these were the same arguments which the house had heard over and over, and which over and over they had seen falsified. The original proposition of the Chancellor of the Exchequer had settled the question, or seemed to do so. Ministers had been sustained in that proposition by an overpowering majority—a majority of more than 200; and they now came down—was this consistent or reasonable?—with an amendment which entirely altered the nature of their original measure, and for which their only reason was in the teeth of every fact and every principle upon which they had relied a week ago (cheering).

Mr. J. Smith differed entirely in his view of the present proposition from the learned member who had last spoken. He was convinced that if it was not supported by the house, the original measure never could be carried into execution. He did not look, at present, to the situation of the country banks; his object was to support a higher body—the Bank of England—an establishment, of which the credit and prosperity was essential to the welfare of the country. Let the house recollect, in December last, that panic during which all private credit through the kingdom was at an end. It was admitted on all hands, that the Bank at that time had done incalculable service by its issues of 11. and 21. notes. What would have been the case if those issues could not have been made? It was quite clear that if the Bank had been called upon suddenly to advance millions in gold within a week, it would not have been in their power to have done so. Then, suppose the panic should recur, and there were circumstances which he would not mention, but which gentlemen would guess, which might lead to a renewal of it,—if that panic should recur, and the proposition now before the house was not agreed to, the Bank would not have it in its power to repeat that very measure which had produced so much benefit in the former instance. He thought gentlemen were rather too hasty in the vehement desire they attributed to the Bank to get out its 11. notes. At times there might have been indiscreet issues; but he rather believed that the Bank of England, in common with every other bank, had long ago found out that the 11. notes were a source of great trouble and vexation, and of little profit. He had no doubt that the Bank was now largely provided with specie, and would very soon be still more largely so; but circumstances, if the measure before the house were not agreed to, between the present time and the 13th of October, would need very much to lessen that provision. For the conduct of the Bank—so far as what it would do might be judged from what it had

done—he defied the whole world to produce a body of men whose integrity and honour were placed more completely above suspicion. In 1816, at the time when their large profits were said to have been made, they had made a division, it might be recollected, among their proprietary, of 25 per cent. upon their capital stock. Now, the mere knowledge that that division was about to take place might have made the fortune of every director of the establishment. What was the fact? It was found that almost the only persons connected with the Bank who had not made purchases, were those who were in the secret—the Directors.—In supporting the measure now proposed, he thought that he acted in entire consistence with the vote which he had given on a preceding evening.

Mr. Pearse said that little danger was to be apprehended from the present measure, as all notes which the Bank might issue they would be liable at once to pay in cash; and were not at all unlikely to be called upon to do so. The charges which had been made against the Bank, from many quarters, were entirely unfounded; and upon no point more completely than upon that of the over-issues of which they were accused, and the sudden subsequent withdrawal. The fact was, that the issues of the Bank were governed by the applications for money; they could not take place unless the mercantile interest applied for discounts.

Mr. Canning:—The question was not whether the Bank would have an unlimited power to issue, or should be altogether restrained from issuing a particular description of notes; but whether the latitude given to the Bank by the present amendment would conduce to the public benefit, or defeat the original measure. Now the hon. member (Mr. Abercrombie) said, that no reason had been given by ministers why a course which they had not themselves proposed, but had even resisted when proposed by an hon. member (Mr. H. Gurney) a week since, was now presented to the approval of the house? To this observation he would say, first, that the measure before the house was not that which had been negatived a week since. The resolution of Tuesday, was,—“That the notes of the Bank of England, and of provincial banks, under 51., which shall have been stamped, and were in circulation on the 5th of Feb. 1826, shall be allowed to circulate until the 5th of April, 1829, and no longer.” The amendment proposed and negatived was, to leave out the words “the notes of the Bank of England.” But the effect of that omission would have been totally different from the effect of the present amendment. The measure now proposed gave the Bank eight months more to issue their small notes, and allowed them to keep those notes in circulation for a period of three years longer: the amendment rejected left the Bank unlimited as to issue, and kept their notes in circulation until the year 1833. He should next observe that in the debate on Friday, he (Mr. Canning) had endeavoured to show the country bankers that their interest, as well as the public convenience, lay in their spreading the withdrawal of their notes over a larger space of time, and this view was supported by almost every member who took part in the discussion. But the bankers had not taken this advice. Reports were coming in from all quarters, since that debate, that the country bankers were suddenly and materially contracting their issues. Now it was the duty of Government to consider what



would be the effect of this sudden and complete withdrawal of all the 11. and 21. notes in circulation. It was clear that there was no remedy for this, unless gold could at once be found (which nobody pretended could be done) in sufficient quantity to fill up the vacuum—no remedy but that which was proposed by the present measure, namely, to allow the Bank of England to go on issuing 11. and 21. notes. It was on a minor degree the same case as that of the panic of Dec. to which the Bank 11. notes had been applied, and had at once effected a cure. As to the probable conduct of the Bank, he did not suppose that the Bank or any other establishment would act for the public interest, to the exclusion of its own. He did not look for this from the Bank; it was no part of their charter, and the public had no right to expect it from them; their real tie to the public was (and it was always the safest and the surest tie), that the interest of the public, as they were constituted, was collateral with their own. Now, when he looked to the conduct of the Bank immediately after the passing of the bill in 1819, he found that, long before they were compelled to withdraw their small notes from circulation, those notes began slowly to be withdrawn, and at length totally disappeared. He was therefore compelled to believe either that there was nothing in the circulation of the 11. and 21. notes very profitable to the Bank, or that, from an opinion that they were injurious to the public welfare, the Bank had elected to withdraw them. Although the Bank was greatly advantaged by large general issues, yet it might not be so, or very slightly so, by the issue of small notes. While they were compelled to pay in gold it would not be their interest to multiply that circulation for which gold was most likely to be demanded. It was notorious, in addition to this, that, many times within the last three years, the Bank had taken every means in their power to give a metallic circulation to the country. They had over and over sent forth flights of sovereigns; and those sovereigns had returned to them, like the dove of old to the ark, so widely was the earth overspread with the flood of paper. Considering, then, these facts, and judging, as human minds must judge from what they saw of human actions, did it seem likely that the Bank would be now anxious to force an issue of small notes more than they had been heretofore? It was not his peculiar province to communicate the fact; but the house should know that the late issue of 11. notes in Dec. was not a measure which the Bank had pressed upon the country. The Bank, at that period, had been advised to issue their 11. notes; but they said,—“Although we have the power, after having so long disused it, we are unwilling to make such an issue without the sanction of Government.” Ministers, being applied to, thought it right before they gave their answer, to draw up a memorandum of their opinions. They had not supposed such a record would ever be called for, but it had been taken; and the effect of it was—“That if, for the purpose of meeting the temporary wants occasioned by the sudden withdrawing of country bank notes, the Bank of England was disposed to avail itself of the power, which by law it had, of issuing notes of 11. and 21., the Government had no objection to such an issue, provided it was understood that the measure was to be strictly temporary; and provided the

Bank would take advantage of the present state of foreign exchanges to increase their treasure so as to provide for the country a more extensive gold circulation” (hear, hear). It was exactly with the same limitations and the same views that Government now concurred in the exception introduced by his rt. hon. friend. Their object was, that if in the first stages of the contraction of the country bank circulation, a crisis should occur at all similar to that which had happened in December, the same remedy might be adopted which had been resorted to at that period. Now, let the learned gent. (Mr. Abercrombie) who had so vehemently opposed the amendment, consider what the state of the law was, as it now stood, with a view to his own express object—that of introducing a purely metallic circulation. Before the present bill was brought in, the law allowed an unlimited issue of the country banks and the Bank of England, for seven years to come. Now could any man imagine, if this bill were thrown out, and an accumulation of those notes were suffered to go on for seven years, that at the end of that period greater facilities would be afforded for the ultimate resumption of cash payments, than would be presented by the amendment now under consideration, when introduced into the body of the present measure? This bill, it should be recollected, would extinguish all 11. and 21. notes at the end of the year 1829, being a period of only three years, instead of seven, as the law was actually constituted. At the present moment, a crisis had not occurred; but there were symptoms which shewed that a too sudden contraction might produce great mischief, within the period at which sanguine men believed a gold circulation might find its way into the country. That the introduction of a gold circulation must be gradual, every man could see; and it was to provide for that short interval, as he hoped, between the ultimate contraction of the small paper, and the circulation of a metallic currency, that the present amendment was introduced. He declared solemnly, that he would not recommend it to the house, if he did not in his conscience believe that the measure, instead of retarding the establishment of a metallic currency, would, if it were good for any thing, rather facilitate that object, by taking out of the way an impediment which would be ruinous to its operation; an impediment, which, if it occurred at all, must occur at the most critical moment—the moment when that important operation was about being carried into effect (hear, hear).

Mr. Tierney:—If he could be satisfied that the effect of this amendment would be that which the rt. hon. gent. (Mr. Canning) had stated, he would certainly agree to it. But, because he was of opinion that no such effect would follow—because he was convinced that, in 1829, the legislature and the country would be placed in just the same difficulty as they had now to contend with, he felt himself obliged to oppose the proposition. If there were no alteration in the principle of the bill, how happened it that those members who opposed it without the amendment, now avowed their intention of supporting it? How happened it that the hon. member (Mr. H. Gurney), who formerly resisted the bill as highly dangerous in principle, now discovered that his objections were removed by giving the Bank of England an unrestricted power to issue 11. notes (hear, hear)? He appealed to every gentleman at all connected with the pecuniary affairs of the



country, whether the proposed alteration did not materially change the aspect of the measure, as far as regarded paper currency? Paper currency was beginning to be at a premium—things were looking up in the paper world, in consequence of this amendment (hear, hear)—the introduction of a few simple words, which altered so materially the relative situation of the Bank of England and the country bankers, had produced a most marvellous effect on some hon. gents., who, a few nights since, pronounced the measure ruinous, and now viewed it as little short of salvation (hear, hear). The rt. hon. gent. had stated, in more moderate terms than he (Mr. T.) should have used, what, he feared, was too true, that there was a determination, on the part of country bankers, to throw impediments in the way of a return to gold circulation. The country bankers, like good soldiers, appeared to obey the word of their commanders very promptly. When they found how matters were going on, they cried out to their leaders—"If we are to mutiny, we are quite ready" (a laugh); and they had acted, it seemed, effectually; for no man could deny that the whole of this new proceeding was an admission, that the steps taken by the country bankers to stop the country circulation formed the ground, and the sole ground, for this measure (hear, hear). He complained, therefore, that the Government had not boldly faced that body. If ministers had summoned up firmness enough to face the country bankers, they would have been obliged to strike in one week. They could not long have persisted in keeping back their notes from circulation, at a loss to themselves. Notwithstanding all that had been said to the contrary, he must, with due deference, deny the assertion—common sense would not allow him to believe it (hear, hear). The rt. hon. gent. said, it would be impossible to procure a metallic circulation to fill the gap created by the removal of the country notes. (Mr. Canning—"Not on the instant.") Why not on the instant? Because the country banks were in a state of rebellion. But he believed that it would be wholly impossible if the present amendment were adopted. He knew it was difficult to speak of the Bank of England without appearing to attack them. For many of the directors he entertained a high respect; but, as a body, he entirely distrusted them; for he was convinced that the incautious manner in which they had proceeded with their discounts had added greatly to the late spirit of speculation. Oh, but then it was said, "See how handsomely they came forward afterwards to check the mischief." So they did—they issued about 8,000,000*l.* of paper in the course of a few days (hear, hear). Very true—but had the directors no interest in this issue? What were the directors? All merchants; and if others were in danger, they were not less in danger themselves. Hence the secret of their extraordinary liberality (hear, hear). So much had they imposed upon people in general, that an hon. friend of his (Mr. Grenfell), not remarkable for his partiality for the directors, had actually stepped out of his way to move a vote of thanks to them for their disinterested liberality (a laugh). Nothing could be more preposterous than for the directors to claim credit upon this score. It was like a man claiming a reward from the humane society for saving a boy from drowning, and being met by the declaration—"but it was you that pushed me into the water"

(cheers and laughter). If all the documents were read and published since the Bank restriction, one would think that the directors had had no more to do with the restriction, than any indifferent gent. in that house. They said, "It is all the fault of the Government—we don't wish to stop payment. It is the act of ministers, and on them we throw it." But, notwithstanding all this, it appeared in the inquiries before the bullion committee, that no set of men ever shewed a greater disposition to issue a 1*l.* note, and keep a guinea out of the way. Only let the house look at the situation in which the country might be, and probably would be placed, in consequence of this measure. How happened it, in 1822, that a bill passed, enabling the country bankers to renew their issues of 1*l.* and 2*l.* notes? Prices were then low, and were raised by these issues for the benefit of the country gentlemen. Suppose, at the end of three years, prices should be again reduced? If the Bank should fill up the gap, what became of the principle of the bill? The original principle was, that when the small notes were withdrawn, the gap should be occupied by a metallic currency.—It was probable that the system proposed would go on for the whole of the first year. But suppose the system was carried on through the second year, and a large number of notes was kept in circulation, what, under such circumstances, could ministers do if the country bankers stood out, six months before the stipulated period had expired, and demanded more time? How could they answer that body if they came with this appeal—"Surely you will not ruin us all, when you can prevent it by merely extending the term to four years." In his mind there was the greatest probability that this would be the case. Therefore he would contend, that in three years the legislature and the ministers would be placed in the same situation as at the present moment; only that they would not have the opportunity of acting under circumstances so favourable as those of the present day. It was impossible to imagine how the country could stand in a better posture for extending the metallic currency than at this moment: it was now impossible to keep gold out of the country, instead of its being a matter of dexterity how to bring it in; foreign exchanges were all in our favour, and foreign powers were on the most amicable footing. Who could say that these advantages would exist three years hence, or rather who might not say with tolerable certainty that they would not exist? Why, then, should the change be postponed for so long a period? If he could satisfy himself that this amendment would be "the be all and the end all" of the paper system, and that at the end of three years a wholesome metallic circulation would be introduced, he would give the measure no farther opposition. But being satisfied that this was not likely to be the case; being deeply and conscientiously convinced that much evil would result from the measure, he felt himself called on to oppose it. He sincerely wished that ministers would muster up a little more courage, and face this temporary storm. By the course they were pursuing, they were giving a vast encouragement to the country bankers. That body knew they had nothing to do, when it suited their convenience, but to withdraw a certain number of notes from circulation, so as to create some difficulty throughout the country, in order to deter ministers from acting efficiently. If they saw that



ministers could not stand such a storm as the present, they would laugh at the Government and at all the plans which they might bring forward. But he would press the subject no farther. He had stated the grounds of his objection, and on those grounds he was determined to stand.

Mr. T. Wilson said, that many parts of the country were at this time in a state of starvation, for the want of some sort of currency. In Yorkshire, they were in such distress, that the manufacturers could not pay their men, except by orders on the butcher and the baker,—an evil which called loudly for correction. If within three months of the expiration of the bill the country bankers contracted their currency to the utmost, it would certainly have a bad effect if there were no substitute; but, as there would be a substitute of Bank paper, there could be no doubt that there would be sufficient small notes for the service of the country. The amendment was a most advantageous one, and he would give it his support.

Mr. Grenfell, in reply to Mr. Tierney's allusion, said, that he never entertained any sentiments with respect to the transactions of the Bank, which he did not at present feel. The conduct which the directors had pursued in the latter end of December had tended to restore public confidence; and he, in consequence, moved a vote of thanks to that body, with this limitation—"that those thanks were voted with reference to the conduct of the Bank of England, in the late crisis of difficulty and danger to the mercantile world." This acknowledgment he thought they merited.

Mr. Peel:—The rt. hon. gent. (Mr. Tierney) said, that the whole discussion had hitherto turned on the principle of the measure; but another hon. member (Mr. Abercrombie) said that the whole question turned upon time. Here were two contradictory propositions, neither of which he thought well-founded. The measure could not be viewed with reference to time alone; for many of those who supported the motion on principle, did not concur in the propriety of the time. The rt. hon. gent. (Mr. Tierney) asserted that there was a mutiny among the country bankers. When those who owed allegiance to Government were so unwise as to assail it with mutiny, it was fit that Government should deal with them as they deserved; but these persons had done nothing but what the law allowed: and for ministers to say, "We will take no step while they are in a state of insubordination," would be a gross abandonment of the principles of good government. It would be absurd for a government to say, when novel difficulties sprang up, "We will persist in the course we have already taken, on the right or on the left," without considering which was the more expedient course. The present was an awful crisis; and that man must be possessed of more consummate wisdom than could ordinarily be expected from human nature, who could propose a measure, perfect in all its parts, to meet it. If the conduct of the country banks were productive of great local distress, then he conceived it to be a wise measure on the part of Government to provide some means to counteract that local depression (hear, hear). There was a perfect understanding on the part of the Bank, that the measure now before the house would be strictly acted upon. The conduct of the Bank in 1822 formed a fair ground of pre-

sumption, as his rt. hon. friend (Mr. Canning) had stated, that that body would not abuse the power which it was now proposed to intrust to them. If they did abuse it, the responsibility would attach as well to the Government as to the Bank. He would never have agreed to the measure, if he did not feel the strongest conviction that the principle would be fairly carried into execution.

Mr. Ellice:—The rt. hon. Secretary (Peel) had said, that not only the Bank, but the Government also, would be answerable for the abuse of the power to be granted by this clause. In what way would they be jointly answerable? He had heard of no appointment of commissioners to regulate the issue of paper. That would in reality have been one way of dividing the responsibility with the Bank, and he knew of no other which could be adopted. In his opinion, after the passing of this bill, not one single sovereign could remain in circulation. Every demand on the country bankers would be met by payment of 11. notes of the Bank of England. Let this bill once pass, and the effect of it would be to give the Bank a power which experience had shown them could not be held by any men without the certainty of its being abused. If there must be a mixed currency, the country bank-notes were preferable to those of the Bank of England. They were subject to no depreciation from forgery, and they could be cashed on the spot. What benefit had they derived from all the measures which they had hitherto adopted to restore a metallic currency, if this clause should be carried? He agreed with the rt. hon. gent. (Mr. Peel) that the Government was not, in their fondness, for a particular plan, to pursue it contrary to the public interests. But there was no case made out. Had they waited to make any trial whether the gold would come in? Was there at present no gold at the Bank? The clause was, in his conscience, nothing less than a virtual repeal of the bill brought in by the rt. hon. gent. (Mr. Peel) in 1819. It went to give the Bank a power which must be abused,—which, however desirous they might be to avoid it, it was impossible that they should not abuse.

Mr. Irving said, that there was nothing in the circulation of the Bank of England notes to prevent a return to metallic currency, because experience had proved, that those notes would circulate with gold coin, without displacing the gold coin; whereas the inevitable tendency of the country notes was to cause the coin to be withdrawn. He was, therefore, much more reconciled to the bill by the clause which was now to be added, than he could have been without it.

Mr. Baring said, that he should support the bill with the clause, though he had opposed it without the clause. In the principle of the measure he coincided. No gentleman could be more fully convinced than he was, that the circulation of 11. and 21. notes was a perfect nuisance—that with such a circulation there could be no return to a metallic currency. But his doubt on the original measure was, that they could not come at their purpose by a direct course "as the crow flies." It was true that two years would be more than enough time to attain their object in, if they could go on progressively throughout each of the four-and-twenty months. But experience proved, that the moment they cried down any portion of the



circulation, it went too fast. The speeches and papers of ministers were like the cry of "mad dog" on the country notes; and not only had the bankers themselves hastily drawn in their circulation through fear of being run down, but the whole country, as if nauseated that currency which before was found useful, threw it upon the banks in overwhelming quantities. They seemed to wish to pass from an overabundant circulation to a most straitened one; not considering that the very excess of paper which was alleged to exist, the great extent to which schemes and projects upon the resources of the country had attained, made it so much the more dangerous to return to such a state. He considered this clause, therefore, as a great mitigation of the measure itself; although he still thought they were going too fast. He felt sure that the power left to the Bank would not be abused, for the reasons mentioned by the *rt. hon. gent.* (Mr. Canning). He agreed, too, that the country banker would now have less interest in circulating his own notes, because he must realize the means to get at the Bank of England note as well as the sovereign. At present the country banker had a direct interest in endeavouring to get the sovereign out of circulation. There would be no great affection felt towards the town-made note, and as the note would be as costly to him as the gold, the effect would be to preserve gold in much larger quantities in circulation.

Sir John Newport opposed the amendment. He had advocated the measure on a former night, because it tended to restore the currency to a sound state; but the amendment would embark them in a series of similar measures to which they might see no end; whereas he thought there could be no time more favourable than the present to carry the measure into execution.

Lord Folkestone said, that he should vote against the amendment. When he saw ministers in the act of yielding, and yielding, too, upon a point which they had always declared to be mainly important, he had no hope that they would be able to resist the external pressure of circumstances on another occasion, and really get rid of the 1*l.* notes. Their firmness had been tried already upon this very subject. The house was now in a committee on a bill to put an end to 1*l.* notes at the end of three years; and only four years ago, from the pressure of circumstances, they were induced to pass the very bill which this was meant to repeal; and now there was a clause proposed which in effect wholly prevented that repeal. What reason had they to hope that they could ever arrive at a metallic currency, after so many experiments and failures? He had objected to the small-note bill at the time, because it prevented the country from recurring to that standard; and now the house were rushing upon a measure which was introduced to prevent the repeal of that act from being carried into effect.

Mr. Mosck said that the Bank of England note was the worst of all, from its liability to forgery. Parliament and the public were anxious to return to a metallic currency, and they were told that there was a scarcity of gold. If gold was so scarce, silver was not. What objection could there be to allow bankers to pay in either as it suited them? That there were too many notes in circulation would prove but an awkward confession; it would prove

that those who had issued them were not entitled to public confidence.

Mr. Brougham could not vote for the clause consistently with the principles which he had supported. The arguments in favour of the amendment had been fairly put in issue by his hon. friend (Mr. Baring), who agreed that a metallic was the only sound currency, and that the only question at present was a question of time. His hon. friend objected that the original measure was brought forward too soon; that things should be left to themselves for some time longer; and that the remedy should be postponed for a year. Now his (Mr. Brougham's) answer to this was, that if the Bank were told that such a measure would be adopted at the end of a year, if they received a year's notice to prepare for the measure, they would delay their preparations, they would not set their house in order, but would go on to the end of the year in hopes that something would turn up, which would call paper again into circulation; that Government would once more lend its sanction to the measure, and the country would again have small notes to as great an extent as ever. He (Mr. Brougham) therefore, would not give the Bank of England till the 10th of October, on the same principle that he had contended against giving all the banks twelve months. An argument had been urged in favour of the clause from the limited state of the circulation at present, and the distress caused by the small notes having been withdrawn. But out of that suffering one benefit arose, and that was, that the measure which at other times might have been followed by dreadful effects, might now be safely applied, when four or five-sixths of the paper currency was withdrawn, and gold coming into circulation. Now, therefore, he would say, was the very time for carrying the measure: by postponing it, they would only force out paper again, and prevent the gold from flowing in. That was his argument: but he was met by this ill-omened clause to enable the Bank of England to fill up that very vacuum in the paper circulation, by other paper. The defence of this clause,—the necessity for it,—all which the *rt. hon. gent.* (Mr. Canning) hoped to effect by it, was to fill up this void by allowing the Bank of England to issue its notes: it was only to issue its notes till the void was filled: but would the Bank of England stop there? What security was there that the Bank would not go on stamping and stamping, and signing and signing, till it had circulated as much as it could desire? Not only would their issues fill up the channels of a proper paper circulation, but they would also fill up the spaces which, but for this clause, were just about to be filled up by the gold. He earnestly wished that the house would avert that evil. The house must be aware that bank paper and gold could not long exist together,—at least, experience had clearly demonstrated that it was impossible for 1*l.* notes to circulate with gold. Notes to a large amount might circulate with the metallic currency: a 10*l.* note and a 100*l.* note might pass in company with sovereigns; but it was impossible that 1*l.* and 2*l.* notes could do so. They could no more circulate together than bad sovereigns could circulate with good. He had always maintained, that it was desirable that paper and gold should exist together; but he had never denied or doubted that they could not exist together. There had been no modifi-



cation of his opinions, but experience had taught him a little more. He still was of opinion, that that currency was the best which consisted partly of paper, convertible at pleasure into gold, and partly gold; but further experience had taught him, that a law making paper convertible into gold, was not sufficient to keep down the paper to a proper level, and to ensure the country at all times against its running into excess. Private paper might become excessive, although convertible, and metal was not a security against an over-issue of notes; for, within certain limits, there might be an excess of paper, notwithstanding its convertibility into cash. His hon. friend (Mr. Baring) had said, that a difficulty existed in the circulation of country bank-notes with coin; and that, whilst the Bank of England notes would keep in circulation with the metallic currency, the country bank-notes would not. His (Mr. Brougham's) opinion was, that although there might be greater facility in keeping up a joint circulation between Bank of England notes and coin than between coin and country notes, yet the joint circulation of the latter could not be maintained; for the paper would remain, and the gold would vanish. It was quite consistent with our experience on the subject, that so long as bank-notes were available, they would be preferred to gold. The convenience of transfer, and the capability of sending notes from one end of the kingdom to the other, would always give them a certain advantage. But the miseries of a paper circulation we had too well experienced; and it behoved the house and the Government to beware how they suffered even a limited continuance of that pernicious system.—He had been told that a certain bill was about to pass elsewhere, for the purpose of establishing branch banks of the Bank of England. The establishment of branch banks would operate as a restriction on country banks, which would lead to wholesome effects, and as such would meet with the approval of the country. The establishment of branch banks would no doubt prevent individuals from embarking in the banking business without means or experience to conduct their concerns; but Government should take care that these branch banks did not produce some of the very mischiefs, for which the country banks were deemed objectionable. Poor persons who got hold of 11. Bank of England notes would keep them in their possession in the same way as they would keep the notes of country bankers; but could they turn these notes into cash with a like facility? Would each branch bank be prepared to give cash for all Bank of England notes which might be presented there, or was it to be understood, that every branch bank was only to be accountable for its own issues? He felt the more anxious on this point, because he understood that in Ireland, where the system of branch banks was in operation, the question had been tried, and the result had been that the branch banks in that country did not pay notes on demand, excepting such as they had respectively issued. Now this was a great grievance. Notes should be made payable, not only at the particular places at which they might be issued, but at every place where branches were established. The hardship would be severe on poor persons who might have to go twenty or perhaps forty miles before they could get cash for their notes; and its effect naturally would be to keep a large

quantity of paper in circulation, notwithstanding its convertibility into gold. These were points which, he hoped, would be attended to. As to any clamour against the principle of these measures, the rt. hon. gent. (the Chancellor of the Exchequer) stood pledged to the house that they should not be qualified by any steps which might be taken without the walls of parliament. Enough, too much, had already been conceded; and he hoped and trusted that no further concessions would be made, as they would only have the effect of exposing the weakness of the Government, and of encouraging doubt and alarm.—One of the greatest blessings that would have attended the introduction of the measures, as originally proposed, and for which he gave his hearty vote, would be, that by the withdrawing of 11. and 21. notes, the crime of forgery would be deprived of one of its principal facilities; but who could question, that the moment the 11. and 21. notes of the Bank of England again appeared, we should witness the renewal of those scenes of horror from which the mind involuntarily shrank? He had himself seen, in the course of his professional avocations, 20, 25, and even 30 persons tried for forgery at one assizes; and what security would be offered that those heart-rending scenes would not be revived?—He had now candidly stated the grounds on which, although it was not his intention to oppose the bill, or to withdraw his support from it, he felt it his duty to oppose this clause.

Mr. Huskisson said, that he should not have risen but to correct an apprehension of the learned gent. (Mr. Brougham) that the Bank of England had not the same interest with the country banks in regulating their issues. A country bank issued notes for the supply of the district in which it carried on its operations. It wrote to the Bank of England for gold whenever it had occasion for gold to pay its demands. But the Bank of England was obliged to pay all its notes on demand in gold itself. For this reason the Bank of England had not the same motives for over-issues that country banks had. When the exchanges enabled the Bank to accumulate a quantity of gold, they were, therefore, anxious to withdraw their notes.—With reference to the measure under consideration, it had been observed that there appeared to be at present a great disposition to withdraw country notes from circulation; but if they were withdrawn, how was the vacuum to be supplied? For himself he never desired to see any more one-pound notes in circulation after the prohibition by which notes were forbidden to be stamped should take effect; but they were bound not to be unprepared for an emergency; and who could tell but there might be at a very remote period an occasion to call for that aid which it was the duty of Government to keep in reserve?—He agreed with the learned gent. that the Bank ought not to be allowed to establish branch banks unless upon the principle of making payments in gold (bear, bear). The country bank notes of one-pound were payable in gold on demand; but all such notes of above one pound in value, were not payable on demand in the country, but only payable on demand in London (no, no, from the opposition). At least this statement had been made by the hon. member for Staffordshire; and if it were the case, to what a state might not the country be reduced? Suppose that all 11. notes were withdrawn from circulation, country



bankers might refuse to pay their 5l. notes. Therefore, it became doubly necessary for the Government to provide against this danger, by having a substitute at hand, by which it could be averted.—The Bank only seconded the wishes of the Government to have a power within its reach of providing against pressure and calamity, if such should unfortunately visit us again.

The committee then divided:—

For the amendment, 187.—Against it, 24.—Majority, 163.

(The announcement of this majority was loudly cheered in the committee.)

The Chancellor of the Exchequer asked whether the hon. gent. (Mr. Maberly) meant to press a division upon some of the points that he had alluded to in the early part of the evening?

Mr. Maberly replied, that undoubtedly he would press for a monthly return of the Bank issues so long as they were empowered to make them. With reference to the rate of the exchanges, and the accounts of imports and exports from the Treasury, a longer time might be allowed—say three months,—from the greater difficulty of making up such returns; but the Bank ought to be ready with monthly statements of its own issues.

Mr. Hume hoped that similar returns would be called for from the country bankers.—He said that by the act of 1797, a summary process was given against banks, in case of non-payment, under particular circumstances, after the lapse of three days. By some unaccountable error, this clause was omitted in the act of 1816, though it had gone through all the acts since 1797, up to that year. He meant to propose the revival of the original clause.

The Chancellor of the Exchequer wished the hon. member would let him have a copy of the clause, and a day for consideration.

Mr. Hume consented:—and then asked whether it was intended in this bill to compel deposits for the issue of the 1l. and 2l. notes, and to empower the commissioners who had the control of such deposits to convert into money such portion of them as should be called for, in default of immediate payments in cash? He was also anxious to know whether the Bank were to be compelled to pay their notes in cash when called upon in country districts, instead of the holders being obliged to have recourse to London, where these notes were alone formally payable.

Mr. H. Gurney said it was impossible that any notes could be issued, were all these restrictions to be imposed.

Mr. Brogden then brought up the report of the bill, which was ordered to be printed, and taken into further consideration on Thursday next.

### *Bank Purchase of Exchequer Bills.*

LORDS, THURSDAY, FEB. 23.—The Earl of Lauderdale, referring to the correspondence between the Government and the Bank\*, said, that

\* A copy of the correspondence betwixt Government and the Bank on the subject of the Purchase of Exchequer Bills to the extent of two millions.

At a Court of Directors at the Bank, on Thursday, the 16th Feb. 1826, the Governor

Sess. 1826.

he wished to be informed about the meaning of the letter addressed to the noble lord (Liverpool), and the Chancellor of the Exchequer, to the Bank. In that letter it was stated, that under all the circumstances of the commercial distress, it appeared that it would be advantageous if the Bank were to give directions for the purchase of 2,000,000l. of Exchequer-bills, and that it would be recommended to Parliament to make provision for the repayment of the same. Now this was very equivocal. He (Lord Lauderdale) had at first thought that 2,000,000l. were to be thrown into circulation; and this would be the case if the Bank were to purchase to that extent, and Government to repay the sum so expended: but if the meaning were, that the Bank was only to purchase Exchequer-bills in the market until they rose to par, and then stop, it might be that 300,000l. or 350,000l. would accomplish that object, and so the whole amount of the relief which this measure would afford would be, to increase the circulation about 350,000l. The reason of the thing might tell him what the meaning should be, but as there was so much ambiguity in the passage, he wished for a distinct explanation. Was the Bank only to purchase till the Exchequer bills rose to par, or were they to extend their purchases to 2,000,000l.?

The Earl of Liverpool:—Whatever ambiguity there might be in the sentence quoted, he should endeavour to clear up, not by explaining the words, but by simply stating the fact. The intention was to recommend the repayment of 2,000,000l. of Exchequer-bills to the Bank, on the understanding that the Bank should make purchases at par, not above it.

The Earl of Lauderdale:—Then this, instead of being a measure for the relief of the merchants, has really been only a scheme to raise the value of Exchequer-bills.

The Earl of Liverpool would only say for the present that if the noble lord were acquainted with all the circumstances which had taken place with respect to the purchase of these Exchequer-bills, he would find reason to be of a different opinion.

laid before the Court the following letter from the First Lord of the Treasury and the Chancellor of the Exchequer, viz:—

*"Fife-house, Feb. 14.*

*"Gentlemen,*

*"Under all the circumstances of the present distress in the city and country, it appears to us that it would be advantageous, with a view to public and private credit, if the Bank were to give directions for the purchase of Exchequer-bills to the amount of two millions. If the Bank shall agree to this proposal, we engage to submit to Parliament the necessary measures for the repayment of the same between this period and the 14th of June next.—We have the honour to be, &c.*

*"LIVERPOOL.*

*"FREDERICK JOHN ROBINSON,*

*"To the Governor and Deputy-Governor of the Bank of England."*

Resolved,—That the Governor be authorized to purchase Exchequer-bills to an amount not exceeding two millions, on condition that the repayment be made within four months.

Bank of England, Feb. 20. R. BEST, Sec.

2 N



*Issue of Exchequer Bills;—Bank Advances.*

COMMONS.—Mr. T. Wilson presented a petition from the merchants, traders, and others connected with the commerce of London, for relief. After stating the pain he felt in opposing those ministers, who, however much he might disapprove of the course they were now pursuing as to the state of the country, were no doubt acting honourably, openly, and manfully in the discharge of what they considered to be their duty, said, that it would not be denied that at this moment the great pressure of commercial embarrassments was felt, not alone in London, but throughout the mercantile world. In this state of difficulty, application was made to Government for an issue of Exchequer-bills, as loans to the commercial world. To this application ministers gave a decided negative. For his own part, as a practical man, he would say, that as such a measure had been found effectual in former emergencies, he thought it should be resorted to in the present (hear, hear). Ministers, however, resisted the application, on the ground that it would be inexpedient, as establishing a bad precedent; and having found out that the Bank of England, by its charter, was empowered to lend money on goods, they said to the applicants, "The doors of the Bank are open—they have the power to make the advances you require,—why do you not apply to them?" The answer to this was, that the two modes of obtaining relief were different. When advances were made on Exchequer-bills, they were made by commissioners especially appointed for that purpose, and sworn to secrecy (hear, hear), and the applicant for advances to those commissioners could be certain that the knowledge of his having made such application would be confined to himself and to them (hear, hear). The merchant whose affairs required an advance of those bills could apply to the commissioners, and if he had fair security to offer, he obtained that assistance which recovered him from his difficulties. If a man were in credit, his bills would be discounted by the Bank in the ordinary way; but a man who would have no objection to go to the Bank with his bills, would have insuperable ones to go there with his goods (hear, hear). He might with great safety apply to the commissioners for an advance on goods, but he could not make a similar application to the Bank, without incurring a slur on his credit (hear, hear), which no merchant could incur without increasing the difficulty he wished to remedy.—There were other circumstances to which it would be necessary to advert, in order to meet the objections to the prayer of the commercial body. From statements made in that house and elsewhere, it was said that most, if not all, of the present distress was attributable to the system of over-trading—to the extent of the late speculations in public companies. The bankers, merchants, and manufacturers were included in one sweeping condemnation as embarked in those delusive schemes: they were described as a set of wicked or profligate speculators, who had ventured their own property and that of others in schemes and companies of the most delusive and ridiculous description; and it was said that they were now suffering the consequence of this ruinous system, that such a system ought to be allowed to find its own level, and that it would be highly improper for Government to interfere.

When he had mentioned this subject in the house before, he had said, that even in case where a man had over-traded, as it was called, and thus involved himself in difficulties, he was entitled to the consideration of Government. He now repeated, that the man who speculated with his own property, and had lost half of it, and who came now to solicit assistance in order to be enabled to preserve the other half, was worth saving (hear, hear). He did not say that such a man was entitled to this attention solely on his own account, but for the sake of his connexions, who were in the same situation, and who would be involved in his ruin. There were thousands in the country thus circumstanced; and he must say, that as the first step which led to their present difficulty was partly occasioned by the conduct of ministers themselves, Government was bound to pay attention to the application for relief. As to the charge of over-trading itself, which had been brought against the merchants, he would observe that it was not possible to know what was over-trading, until the result had proved it. A merchant who was going to export goods from one port could not tell what quantity of similar goods would be exported from another. With respect to the mining speculations in South America, which had afforded such a frequent theme for declamation and invective, he would make no scruple in saying, that in his opinion they were by no means unfair or improvident adventures. That such an employment of capital might, owing to the change which had recently taken place, have now become inconvenient, was no proof that they were not prudent and legitimate adventures at the time when they were undertaken. He certainly did not mean to approve of the conduct of those persons who had purchased shares in these concerns for the mere purpose of selling them again; but it was very justly observed by an hon. member (Mr. Hume), that the sums which had been lost by this species of gambling had not made the country one farthing the poorer: the money still remained in the country, it had only changed hands. Besides, it was no fair reasoning that the adventure itself was bad, because this abuse had grown out of and fastened upon it.—Another cause of the present distress had been sought in the excess of imports. But the same answer which he had given to the charge of excessive exportation, equally applied to that of excessive importation.—He did not apply for assistance for those who had been dealers in bubbles, or for those who had been in the habit of carrying on their business by bills at long and unmercantile dates, but for those who had goods of ample value in their warehouses to offer as a security for any assistance they might require, and whose exigencies had arisen solely from the general suppression of trade, owing to the want of some circulating medium wherewith it might be carried on, and the destruction of confidence. These causes had produced a scene of misery amongst this class of individuals which it was quite out of his power to describe. Since the failure of the house of Goldschmidt, the consternation had spread in every direction. That house was deemed, like others, to have dealt too largely in foreign securities, and to have been concerned too deeply in over-trading. But what was the fact? They had no longer ago than last summer, through one of the partners then abroad, laid out 50,000*l.* in the stocks of the United States, in order to obtain greater



on the money than they could procure investment in this country. They had indeed an establishment at Leeds, in or-  
 assist the manufacturers of this country, the time when the house stopped pay-  
 they had made advances to the extent of on the manufactured goods under their  
 The course they pursued was this: If  
 ds were sold, the advance was repaid;  
 t sold within a certain period, the goods  
 out to such part of Brazil or South  
 as the manufacturer chose to point  
 Of the 45,000*l.* advanced, 12,000*l.* had  
 this manner repaid. A communication  
 d the other day from the head of the  
 at Leeds, stated, that he could not  
 00*l.* to support the credit of the estab-  
 nt. Four days previous to the stoppage  
 house, doubts having been expressed  
 stability, communications to that effect  
 patched to Paris and Amsterdam. The  
 produced there by this intelligence was  
 ve. Advice had been sent over from  
 the cities, stating, that the mischief that  
 flow this event on the two exchanges,  
 be incalculable, and would ultimately  
 upon the merchants of London. In this  
 distress, great as it was, would be ag-  
 d by every fresh failure (hear, hear).  
 was the truth of the old proverb more  
 st—that delays were dangerous. Gen-  
 who were acquainted with the city,  
 that frightful reports were in circulation  
 yesterday, respecting establishments of  
 est respectability, and of known pro-  
 Yet these mere rumours had driven  
 e price of the English funds 2 or 3 per  
 d the Foreign funds 4 or 5 per cent.—  
 the inconveniences pointed out as likely  
 it from the granting of relief, was the  
 an excessive issue of Exchequer-bills.  
 t, he admitted, he attended with incon-  
 e under present circumstances to Go-  
 st, or the Bank, if Exchequer-bills were,  
 great extent, brought into the market;  
 treble the amount asked for would, un-  
 re favourable circumstances, produce  
 chievous effect. If Government sym-  
 l with the mercantile classes, all would  
 (hear, hear), but not while they said—  
 "of you have done what you ought not,  
 e cannot discriminate between you, all  
 fer alike" (hear, hear). This was hard  
 it from a Government which depended  
 on trade for the means of supporting its  
 navy, and its other great establish-  
 -Among the many painful feelings he  
 on this occasion, one of the most pain-  
 that arising from the necessity of re-  
 from the bench on which he had sat  
 much satisfaction so many years, to  
 t of neutral ground on which he was  
 [The hon. gent. spoke from the mid-  
 dles under the gallery: his usual seat  
 y was behind the Treasury bench.] He  
 ged it more advisable to take up that  
 than to go at once over to the Opposi-  
 here, possibly, he might have been  
 upon as a spy or deserter (a laugh).—  
 hon. gent. (Mr. Huskisson) had said,  
 balance of trade should be kept in  
 the merchant, in order to regulate his  
 ags. But he (Mr. Wilson) was one of  
 school, of which it was a doctrine that  
 ace could be defined only by the re-  
 se state of our foreign trade was now

greatly altered. When our imports were  
 chiefly from, and our exports to the continent,  
 the balance of trade was easily adjusted. But  
 now the supplies received by this country from  
 the continent were much greater, and they  
 would necessarily increase in consequence of  
 the relaxation that had taken place in our  
 Navigation laws. The exports to the continent  
 last year had been cramped by restrictions, but  
 the great dependence of the country as to ex-  
 ports was on the trade with India, Brazil, and  
 South America generally; and the returns in  
 that trade could not be calculated until after  
 12, 18, or 24 months. As to the doctrine of li-  
 miting discounts in order to force up the ex-  
 changes, he regarded it as one of the absurd-  
 ities of the day. To say that the Bank directors  
 should be compelled to watch the exchanges,  
 and drive them up by contracting their dis-  
 counts, was to inculcate a doctrine wholly at  
 variance with the sound principles of trade.  
 If it were to be acted on, he would say, "Good  
 by to the consequence, importance, and respec-  
 tability of the mercantile establishments of this  
 country." A favourite notion afloat at the  
 present time was, the necessity of putting the  
 currency and trade of the country into a whole-  
 some state. He readily admitted that no ob-  
 ject could be more desirable; but if parliament  
 was to begin this intended course of improve-  
 ment by ruining some of the existing banking  
 establishments, and inducing the rest, in self-  
 defence, to shut up their shops, they would in-  
 flict calamities on the country which they could  
 not foresee. The rt. hon. gent. (the Chancellor  
 of the Exchequer) might now pay all the com-  
 pliments he could invent to the country bankers,  
 but he could not remove the stigma which was  
 at the opening of the session fixed upon them  
 all. On the part of the public there would be  
 runs, and on the part of the bankers distrust.  
 —There were yet two subjects on which he  
 begged leave to say a few words, mainly con-  
 nected, as they were, with the causes of com-  
 mercial distress—the Corn laws and the Silk  
 trade. If, at this period, Government persisted  
 in their intention of unhinging so many impor-  
 tant interests, they would, in his opinion, adopt  
 a dangerous system of legislation, which he  
 trusted parliament would not tolerate (hear,  
 hear). If the principles of free trade were to  
 be introduced, Government should at least  
 pause till they knew what were the feelings of  
 the landed interest as to the proposed alteration  
 of the Corn laws. The landed interest after  
 all would probably turn round upon them and  
 defeat the grand design. What a state of con-  
 fusion would there then be between wholesome  
 and unwholesome principles jumbled together  
 into a system, if it might be so called, which  
 no man could pretend to understand. For the  
 consolation of ministers, and the country at  
 large, he felt it his duty to say, that he believed  
 the country was never possessed of more ele-  
 ments of prosperity, or a greater mass of sub-  
 stantial riches, notwithstanding the extraordi-  
 nary, unnatural, and fearful situation, in which  
 it was placed by measures pursued and by  
 measures not adopted. There was property  
 enough to answer every demand. All that  
 was wanted was the restoration of confidence.  
 The city, however, had sent memorials and de-  
 putations in vain. Government, it appeared,  
 had made up their minds to give no relief, and  
 therefore the merchants were compelled to lay  
 the statement of their condition before the house,



and pray for redress from parliament.—Before he sat down, he gave notice of his intention, on Tuesday next, to move for a Select Committee to inquire into the present Distress of the Commercial World (hear, hear).

*The Chancellor of the Exchequer:*—When the hon. gent. the other evening asked, whether it was the intention of Government to submit any proposition to parliament, after the example of two former occasions, he (the Chancellor of the Exchequer) felt it his duty at once, distinctly and unequivocally, to state, that, in the opinion of Government, it would be highly dangerous, if not fatal to the permanent interests of the country, on the present occasion, to imitate. He knew that he was rendering himself liable to be taunted with departing from the example which had been set him on a similar exigency by a great man, and one of whose general line of policy he most cordially approved. But he much lamented that that example had ever been set—the first step should have been avoided. It had been urged in support of this application, that the state of the country now was precisely similar to what it was when this species of assistance was granted before: but this very argument had upon his mind a most decisive effect against the application; for it convinced him, that if it were to be listened to now, Government would hereafter be continually called upon to interfere on similar occasions. It also appeared to him, that the attending to the application would be holding out a bonus to extravagant speculators. What were the cases to which the hon. gent. had referred? He had told the house of enormous speculations in cotton, wool, and other commodities, which, followed by excessive importations, had produced a dreadful depression of prices. If that were to be the ground of the relief on the present occasion, what hope was the house to have that prudence would ever operate on the affairs of men? What was the description given by the hon. gent. of the great house of Goldschmidt? According to the shewing of the hon. gent. himself, surely, if ever there was a case of excessive speculation, that was the very case. They had locked up their disposable capital in the stocks of a foreign government. The establishment at Leeds was not to execute orders in the ordinary way of business, but to speculate in commissions. Their whole establishment was conducted on a principle which was the essence of speculation. But ministers were guilty of injustice; they were charged with attacking characters, and endangering the credit of stable and respectable houses, because they had expressed themselves freely as to the evils of the present state of things. It was the very nature and evil of speculation, that the mischiefs it produced were not confined to the individuals who embarked in it. But was it to be laid down as a principle, that whenever general distress was produced by excessive speculation, Government was to step forward and administer relief? On all occasions was this to be the rule (hear, hear)? If, indeed, he could believe that this was the last time on which relief would be called for, his view might be somewhat changed, but he foresaw clearly, that if it were now granted, another demand of a similar nature could not be far distant. This would continue to be the case as long as Parliament, on every fresh occasion, supplied fresh fuel for the fire of speculation (hear, hear). The hon. gent. had referred

to the power of the Bank of England to afford relief, by lending money on goods, and had expressed his opinion that that was an improper measure to resort to. It might not be desirable, perhaps, to have recourse to it: many reasons might induce the Bank to abstain from that course, but why was a new law to be passed, creating the Government and people into a sort of new Bank for the purpose, when there was already an existing law, and an existing Bank competent to do the identical thing for which a new law and a new bank were called for (cheers)? He recollected well, that on the discussion of the law of merchant and factor, the argument used by the hon. gent. in favour of the amendment of the law—and a pinching argument it was, which nobody could evade or resist—was, that as the law formerly stood it was impossible for any banker to advance money on goods. Parliament was convinced by this argument, and felt compelled to alter the law especially for the purpose of enabling advances to be safely made on goods. If this amendment of the law was desirable, in order that bankers might have the power of making these advances, on what principle could Parliament be now told that it was unjustifiable to refer the merchants to the Bank of England for the relief which, by its charter, it was competent to give, and which the amended law rendered it perfectly safe to administer? He could not comprehend why Government was to place itself in the situation of a public banker, for a purpose that any existing banking establishment might effect. He had heard with the greatest dismay, an argument used by the hon. gent. on the subject of the currency and the exchanges, namely, that the Bank of England ought not to look to the state of the exchanges to regulate its issues (hear, hear), but only to what was termed the effective demand of the mercantile interest (hear, hear). If that principle was sanctioned by Parliament, all that had been done to restore a wholesome state of the currency would be rendered completely abortive. Nothing in that case could prevent the recurrence of the desperate evils which had overwhelmed the country with all the calamities, from which no man knew how to escape, and which, he feared, it was destined for some time yet to feel (hear, hear).—He besought the pardon of the house; he had, perhaps, expressed himself with more warmth than he ought to have done—certainly with less self-possession than the question required—but he hoped that the house would do him the justice to believe, that any observations he might have uttered, to which any gent. might object, or any omissions of which he had been guilty, had not arisen from any want of sympathy for the unfortunate distresses which at present existed, or from neglecting to exercise the best energies of his own mind, or to avail himself of the wisdom of the powerful minds of others (universal cheers). He had endeavoured to express, to the utmost of his ability, the considerations which, in his mind, rendered it impolitic to adopt the course which the hon. gent. had proposed. [The hon. gent. resumed his seat, evidently much affected.]

Mr. A. Baring assured the house, that no man amongst them was more impressed than he was, with an entire conviction, that the sentiments of his right hon. friend had been dictated by the most perfect sincerity (loud cheers). He felt too high a respect for the feelings of his rt. hon.

, to doubt, for a moment, his deep sympathy with the calamities which impended over country: nor did he believe there was a man in the house who did not concur with him on this subject (cheers). But he must say, the speech of his rt. hon. friend convinced him that his rt. hon. friend was not sensible of the extent of the existing distresses (cheers); on this important subject, which was one of understanding than of feeling, he trusted his hon. friend would not be led away by the ear of the manner, or the perfect good faith of character of his rt. hon. friend (cheers). respect to the mad speculations, of which he had heard much, it was a great mistake to see they were the mere production of the wits of London; for more of these schemes were generated in the neighbourhood of the court, by some cunning attorney, or some land-agent, than by any of the commercial classes of London (hear, hear). Many of them originated in the west end of the town, when gentlemen from St. James's-street put their schemes upon the Royal Exchange; they had no right to say that the merchants of London alone were blameable. As to consequences which had ensued, he had, at any time, hesitated to express his opinion that such must be the case; but because he had ventured to predict that such consequences would follow, he would not be justified in turning round, like the noble lord (Lindley), who, because he had predicted, and would take warning, was for leaving the issue to its fate, because people had not acted against the consequences (cheers). This was not a question that affected individuals merely—it regarded the whole country, its revenue—its character—its prosperity; and the rt. hon. gent. had assigned no reason why the Government should now be from pursuing a measure which had often tried—which had been applied by the greatest man that ever managed the civil internal affairs of this country (Mr. Pitt), had been applied with success (cheers). In cases of distress that had ever occurred, the Government did not amount to the complicated difficulty in which the affairs of the country were placed at the present moment (hear, hear), arising partly from natural causes, grievously aggravated by the measures which ministers had pursued (cheers). At a time when the West India interests were depressed, Exchequer-bills were issued; when the most important branch of the national industry was affected, Exchequer-bills were issued; the reason then was there for withholding any assistance now, when it was well known that difficulties did not arise from any want of real property, but from the cessation of the medium of commercial intercourse (hear, hear), from the abstraction of the circulation, which disturbed the dealings between man and man, the destruction of that mutual confidence which our commerce depended on? There was an abundance of wealth in the country, but there was no sign or representation of that wealth, and yet the Government refused to do anything that sign or representation when they were in their power. Exchequer-bills, for instance, might be mere waste paper, whereas a bank-note was substantial; but the one would circulate, the other would not (hear, hear). There never, therefore, was a period when the issue of Exchequer-bills could be pro-

ductive of such benefit as the present, owing to the peculiar circumstances of the country; and there never was a period when it would be so unwise in the Government to retire behind rigid forms and strict principles (hear, hear). All the experience of practical men was disregarded, and nothing attended to but abstract theories, and the opinions of those advocates of purism, who conceived it would be a false principle of trade to extend the required relief (hear, hear). No one demanded this relief as a permanent principle; it was only sought as a palliation for present evils. It was merely calling for the same remedy which was frequently applied to the disorders of our political system. They had suspended the *Habeas Corpus* act; but no man would say that was a sound system, or one under which Englishmen would wish to live; but then it had been suffered for the purpose of meeting pressing emergencies. It was just the same with the mode of relief now sought for the necessities of the country. Nothing could be more objectionable than that the Bank should deal in merchandize, and this must appear particularly objectionable to gentlemen who were fond of pure principles. It might be that there was nothing in the Bank charter to prevent them from so doing, but as the privilege had remained unexercised, and almost unknown, until some antiquarian had discovered it, it must be clear that it was not considered a wholesome system (hear, hear). It had been said, let the Bank interfere if they thought proper; but if they were to do so now, they would be applied to on every trifling occurrence, and the result would be a constant interference on the part of the Bank in the commercial affairs of the country. But the case was different in an application to Parliament in a formal manner; for the very notoriety of the transaction rendered it impossible that the measure could be resorted to on improper occasions, and prevented the possibility of its becoming a constant practice (hear, hear). It might be very well for the Treasury to say they would get rid of the matter altogether, and throw the blame on the Bank; but in this there was more of indolence than of principle. It was not a question affecting merely the city of London; its influence extended to all parts of the British empire. Of all the occasions on which a similar measure had been resorted to, there never was one so appropriate as the present; there never was one when the issue of Exchequer-bills was more likely to restore confidence, and there was no instance in which the country had lost sixpence by such a measure (hear, hear). His hon. friend (Mr. Wilson) had done no more than what was due to his constituents; and if on this occasion he had taken, what in military language might be called an imposing position on the flank of the ministers, it was a situation in which he (Mr. Baring) could not stand, for he had done his worst long ago (cheers).

Mr. John Smith said, that he did not remember, nor could any man living remember, times of such universal pressure. Did any man recollect a period at which six London bankers and an immense number of country bankers had broken?—when distress like that which now prevailed was felt at the same time in London and at Manchester, Leicester, Derby, Nottingham, and many other towns of the highest importance in the mercantile interests of the country? It was very true that an absurd



desire for speculation had existed throughout all conditions of people. It had unfortunately happened that the consequences of that calamity had extended themselves far beyond the persons who had been instrumental in originating and spreading the mania for speculating. Many most deserving individuals had been involved in its ruinous effects, which, if they had been confined to those who really deserved to suffer from them, no man would have had now to regret. Among those whom he had alluded to, the persons engaged in the silk trade were in the most unmerited and alarming state of suffering. There were many of them who had stocks of silk, for which they had been obliged to pay, but which they found it impossible to turn to any profitable account. Greater speculators, and men in the higher spheres of the mercantile world, excited much less interest in his mind; but these people, who, like all those in the middle ranks, formed the strength and sinews of society, had a powerful claim to attention, because they had done nothing to deserve what they were now suffering. Day after day their bills were dishonoured, and they could see no limits to this time of pressure and dismay. A man of this description, who was possessed of 40,000*l.* worth of silk and silken goods, had come to him (Mr. J. Smith) that day, and said, "I have in my possession this property, but I cannot go on, unless you will lend me some money." He (Mr. J. Smith), and those with whom he was connected, did so, and would continue to do so, as far as they could; but it must be obvious that no prudent man in these times could do this to any great extent. He approved of the manner in which his right hon. friend (Mr. Huskisson) had resisted the attempts which had been made against the law which he had been the means of introducing on the subject of the silk-trade; but he wished that it might be put into immediate operation, rather than wait till July next. He believed, that so far from that measure having (as some gentlemen thought it would have) any injurious effect, it would, on the contrary, be a means of relieving the public mind.—There could be no question that the Bank had a right to lend money on the deposit of merchandises. But although that was a measure which, under some circumstances, he thought highly proper and expedient, he did not think that it could be adopted so as to be universally useful on the present occasion. He preferred, on every account, the issue of Exchequer-bills, because the relief which they would afford must be prompt; and it was in the promptness of the relief at this critical moment, that its efficacy must consist. He could imagine no reasonable grounds on which ministers ought to refuse the request that was now made to them. It was true, there were other modes in which relief might be afforded; but to adopt them would require time, and while the grass was growing the steed would starve. Without touching further upon this point, he would have the house to remember that hungry men would not easily listen to advice, or obey the rules by which in times of less excitement, they were peacefully governed. Some two or three years ago, unless his memory deceived him, a noble lord (Liverpool) in a speech which he had made, appeared disposed to believe that even in a case of absolute famine it was the duty of Government not to interfere, lest they should destroy that caution which the people ought always to

exercise for their own protection and preservation. He could by no means concur in so general a proposition. He thought, on the contrary, that the conduct of Government on this and on all other occasions should be regulated on the grounds of public utility. They were bound to ascertain, in cases where a request like the present was made to them, whether greater evils were likely to ensue from their refusing than from their granting it. If, on this occasion, they could show that greater evils would ensue from their granting than from their withholding it, they should have his full concurrence. So wholly different, however, was his present impression upon the subject, that he was seriously apprehensive of the greatest evils, unless the relief prayed for should be granted without delay. He trusted, therefore, that the Government, either by themselves or by their influence with the Bank, would afford relief; and he hoped that the house would do him the justice to believe, that he would not have used the language nor have uttered the sentiments which had been drawn from him on this occasion, but from a perfect conviction that they were such as the exigency demanded (cheers).

Mr. *Pearse* said, that he wished to explain the grounds on which the Bank conceived that they would not be justified in interfering with the present distresses. The Bank directors thought, that a much better course might be pursued, and had been advised, which would be free from all the objections to which the former was exposed, and which seemed so calculated to meet the evil, that they were persuaded the wisest plan would be, that an advance should be made by the ministers (cheers). There was no place of importance which did not feel its full share of calamity, and in the appointment of the commission which had been so urgently, and he thought so wisely recommended to the adoption of the house, the same method of forming it should be pursued as in that of 1793, when persons were inserted to represent every part of the kingdom. One gentleman from Scotland, who was well acquainted with the interests of that country, which then had its share of suffering, was placed upon the commission, in order that its interests and wants might be ascertained and provided for. The same rule was observed with respect to other parts of the kingdom. The great advantage of this plan, when the distress was, as in the present instance, diffused generally, was too obvious to need any comment. The habits and knowledge of the Bank directors were necessarily confined to London, while the commission would have the best possible information respecting all the country. Another advantage to be gained by the commission, would be its great notoriety. It would convince the people that the legislature was interested in their distresses, and that they had busied themselves in the attempt to remove them (hear, hear). In this point of view more than in any other, he thought the commission would be highly advisable, and that it would produce the most satisfactory and valuable results (hear, hear). No issue from the Bank, to whatever amount, would have the effect that this measure would immediately occasion; because it would restore that public confidence which, although it had originated with the actual distress, had made distress infinitely more dangerous and universal. The Bank certainly possessed the power of lending money upon the deposit of goods; but that was a permissive



friend, to doubt, for a moment, his deep sympathy with the calamities which impended over the country: nor did he believe there was a man in the house who did not concur with him on the subject (cheers). But he must say, the whole speech of his rt. hon. friend convinced him that his rt. hon. friend was not sensible of the extent of the existing distresses (cheers); and on this important subject, which was one more of understanding than of feeling, he trusted the house would not be led away by the earnestness of the manner, or the perfect good faith of the character of his rt. hon. friend (cheers). With respect to the mad speculations, of which they had heard much, it was a great mistake to suppose they were the mere production of the merchants of London; for more of these schemes had been generated in the neighbourhood of the inns of court, by some cunning attorney, or scheming land-agent, than by any of the commercial classes of London (hear, hear). Many of them originated in the west end of the town, and when gentlemen from St. James's-street brought their schemes upon the Royal Exchange, they had no right to say that the merchants of London alone were blameable. As to the consequences which had ensued, he had never, at any time, hesitated to express his opinions that such must be the case; but because he had ventured to predict that such consequences would follow, he would not be justified in turning round, like the noble lord (Liverpool), who, because he had predicted, and no one would take warning, was for leaving the country to its fate, because people had not guarded against the consequences (cheers). But this was not a question that affected individuals merely—it regarded the whole country, as respected its revenue—its character—its prosperity; and the rt. hon. gent. had assigned no good reason why the Government should now abstain from pursuing a measure which had been often tried—which had been applied by the greatest man that ever managed the civil and internal affairs of this country (Mr. Pitt), and had been applied with success (cheers). All the cases of distress that had ever occurred, combined, did not amount to the complicated mass of difficulty in which the affairs of the country were placed at the present moment (hear, hear), arising partly from natural causes, but grievously aggravated by the measures which ministers had pursued (cheers). At a period when the West India interests were depressed, Exchequer-bills were issued; when another important branch of the national industry was affected, Exchequer-bills were issued; what reason then was there for withholding similar assistance now, when it was well known the difficulties did not arise from any want of substantial property, but from the cessation of a medium of commercial intercourse (hear, hear), from the abstraction of the circulation, to facilitate the dealings between man and man, and the destruction of that mutual confidence upon which our commerce depended? There was abundance of wealth in the country, but there was no sign or representation of that wealth, and yet the Government refused to supply that sign or representation when they had it in their power. Exchequer-bills, for instance, might be mere waste paper, whereas merchandize was substantial; but the one would circulate, the other would not (hear, hear). There never, therefore, was a period when the issue of Exchequer-bills could be pro-

ductive of such benefit as the present, owing to the peculiar circumstances of the country; and there never was a period when it would be so unwise in the Government to retire behind rigid forms and strict principles (hear, hear). All the experience of practical men was disregarded, and nothing attended to but abstract theories, and the opinions of those advocates of purism, who conceived it would be a false principle of trade to extend the required relief (hear, hear). No one demanded this relief as a permanent principle; it was only sought as a palliation for present evils. It was merely calling for the same remedy which was frequently applied to the disorders of our political system. They had suspended the *Habeas Corpus* act; but no man would say that was a sound system, or one under which Englishmen would wish to live; but then it had been suffered for the purpose of meeting pressing emergencies. It was just the same with the mode of relief now sought for the necessities of the country. Nothing could be more objectionable than that the Bank should deal in merchandize, and this must appear particularly objectionable to gentlemen who were fond of pure principles. It might be that there was nothing in the Bank charter to prevent them from so doing, but as the privilege had remained unexercised, and almost unknown, until some antiquarian had discovered it, it must be clear that it was not considered a wholesome system (hear, hear). It had been said, let the Bank interfere if they thought proper; but if they were to do so now, they would be applied to on every trifling occurrence, and the result would be a constant interference on the part of the Bank in the commercial affairs of the country. But the case was different in an application to Parliament in a formal manner; for the very notoriety of the transaction rendered it impossible that the measure could be resorted to on improper occasions, and prevented the possibility of its becoming a constant practice (hear, hear). It might be very well for the Treasury to say they would get rid of the matter altogether, and throw the blame on the Bank; but in this there was more of indolence than of principle. It was not a question affecting merely the city of London; its influence extended to all parts of the British empire. Of all the occasions on which a similar measure had been resorted to, there never was one so appropriate as the present; there never was one when the issue of Exchequer-bills was more likely to restore confidence, and there was no instance in which the country had lost sixpence by such a measure (hear, hear). His hon. friend (Mr. Wilson) had done no more than what was due to his constituents; and if on this occasion he had taken, what in military language might be called an imposing position on the flank of the ministers, it was a situation in which he (Mr. Baring) could not stand, for he had done his worst long ago (cheers).

Mr. John Smith said, that he did not remember, nor could any man living remember, times of such universal pressure. Did any man recollect a period at which six London bankers and an immense number of country bankers had broken?—when distress like that which now prevailed was felt at the same time in London and at Manchester, Leicester, Derby, Nottingham, and many other towns of the highest importance in the mercantile interests of the country? It was very true that an absurd



hon. Bank Director (Mr. Manning) who preceded me, and argued so strongly on the subject of precedent, that it is not by any means desirable to prolong the discussion upon the present occasion; but I cannot suffer the speeches of the hon. Bank Director, and of the hon. gent. (Mr. Bright), who spoke before him, couched, as those speeches were, in a tone of mingled authority and admonition, to be passed by without some statement from a member of that Government whose conduct they profess to direct. And first, I would say, that the charge which has been so frequently thrown out against the Government, not only in the present discussion, but upon several other occasions, of an insensibility to those distresses, which on every side, I grieve to say, meet our eyes, is one which, of all others, whether in crimination or recrimination, ought not to have been made. I say, unless those who prefer this charge are prepared to maintain, that whoever is sensible to the distresses of the country is bound to adopt, without examination and against conviction, whatever remedies any man may propose for the redress of those grievances, it is most unfair to infer from the hesitation of ministers to adopt a particular measure, either that they are insensible to the existing distresses, or unwilling to adopt a remedy. For myself and my colleagues, I disdain to answer the imputation (hear, hear). I impute to no man an insensibility to the distresses which so unhappily surround us (hear, hear). But I entreat those who listen to me, to consider what must be the cares and anxieties of those to whom, from the nature of their office, the sufferers very properly turn for assistance or redress; and if, in addition to those feelings, they give them credit for common sympathies as men and fellow-subjects, I ask, if those who happen to be so situated can possibly have any want of feeling for the miseries they witness, or be ignorant of the severity of the evils which they are called upon to relieve? Sir, I say, the state of my rt. hon. friend (the Chancellor of the Exchequer) is a most afflicting one; but, while the question is not, whether those laws exist, or whether those distresses are real, but whether the remedies which some hon. gents. would apply to them be safe, fitting, and practicable; I say, that if my rt. hon. friend cannot consent to apply those remedies without doing a violence to his judgment, it is his bounden duty, and the equally bounden duty of those who support him, to give a determined resistance to any measure which would be thus thrust upon them contrary to their conviction. Let any man, sir, consider how easy it would have been for my rt. hon. friend to have yielded to the general cry. If popularity was his object, how easy to have obtained it! If he had sought for an opportunity of deserting the firm and unyielding principles which he had declared that Government were determined to maintain, could any circumstances have been more favourable to such a purpose? If he had been disposed to abandon that principle which he conceived was most likely to give an unchanging security to the credit, the commerce, and the resources of the country, he might have become, without the slightest apparent dereliction of duty, and upon pretexts honourable to humanity, one of the most popular Chancellors of the Exchequer who ever filled the situation; but he would, in thus sacrificing to popularity, have deserted a duty which his conscientious conviction bound

him inviolably to fulfil. As an individual member of Parliament, called upon only to discharge the ordinary responsibilities of his situation, he might, perhaps, with the same conviction, have yielded to the urgent necessities of the case, and abandoned what he conceived to be the strict line of his duty, when assailed by the strongest sense of misery, supported with all the eloquence of distress; and he might so have yielded without any reflection upon the justice or propriety of that course which the circumstances of their situation had forced him to adopt. But, as a responsible minister of the Crown, called upon to bring forward a proposition of relief—to bear it through this house—to adopt it as one of the measures of his policy—to fight for it now and hereafter against all the objections which may be brought against it (hear, hear), I say, sir, that if his judgment is not convinced of the thorough propriety of the course which has been recommended, it is his duty to waive every other consideration—to persevere in his determination, and leave Parliament to adopt such measures as to them may seem expedient, and to place the execution of those measures in whatever hands they may conceive most fit to execute them (hear, hear). In our opinion, there is but one remedy for the distress; I say plainly and openly, but one, and that is the exercise of the power vested by charter in the Bank to make advances upon the security of property or merchandize to those who require them (hear, hear). The Bank Directors, however, say, that the power is in an imperfect degree—that it is not sufficient for security,—and that, in short, it is not an imperative, but only a permissive power. And yet, sir, the Bank of England—I hope the hon. Director will admit that—lends money on mortgages, on gold and silver, and makes advances upon Bills of Exchange, and other like securities. Will it then be said, that the power of lending on all these, is not a power which extends to other commodities capable of sale? Why, sir, the act of William and Mary expressly mentions merchandize as one of those things upon which the Bank was required to make advances, when it obtained its charter; and there remains not a shadow of doubt upon my mind, that the power to make advances upon that kind of security, is no more a power exclusively permissive than the power to lend money upon the security of bullion. The words of the act are,—“Provided always that nothing contained herein shall be considered to hinder the corporation from dealing in bills of exchange, or buying or selling bullion, gold or silver, or selling any goods, wares, or merchandizes whatsoever, which shall really and bona fide be left or deposited with the said corporation for money lent or advanced thereon, &c.”—Can it then be denied for a moment, that the power here mentioned is as much an imperative as a permissive power (hear, hear)—that the power is precisely the same as that upon which the Bank makes its issues upon any other description of property, and that the making advances upon merchandize is as much in the discretion and power of the Directors, as upon mortgages, or upon bullion? Undoubtedly, it is in the power of the Directors of that Company to say they will not, and they have said they will not. They have refused to make advances upon those deposits which may be offered to them, and have called to-night upon ministers to supply that assistance to the coun-



then they refuse, upon grounds, of which he said, *et pro ratione voluntas*, but I contend, they have full power to do it is required. We have considered it to deny the assistance claimed from it will remain now to be determined means are left to meet the exigencies situation. It has been said, not only hon. Bank Director, but by almost he who has taken a part in the debate, application on this occasion is supported ties of precedents, commencing with the 33. But, sir, I would draw a distinction, between our present situation and the 33, but between it and all the others; and is, that we were then called upon to advances to the distressed in a time of id during the existence of the Bank Re-act. The distinction, sir, is always to n—not that on no possible occasion the ment should again lend money to ree distresses of the commercial interests, t when they are called upon to do so, ould be the same union of political con- es, which on that occasion formed both on and the justification for so extraor- a departure from general policy. But, man seems to consider the strange con- h which the country was unexpectedly in passing from a state of peace to that at the time of the precedent alluded to, autumn of 1792, when Mr. Pitt brought his Budget, no language could be icific than that which he then addressed ament; and yet, in a short time after, the slightest warning, without any nsion on the part of those engaged in mercial transactions, we were engaged tended war. I do not mean to cast the reflection upon the reputation of that statesman; no man respected his cha- when living, or venerates his memory, an I do; but I wish to shew how little istry was prepared for such a transition, e engaged in its commerce could have foresight of the events which were e them in distress, and that the great expected changes and reverses which e place, were the result of circum- totally different, and gave rise to essentially more imperative upon the tion and assistance of the Government, e, however lamentable or extensive y be, which have been created in the peace, the most profound which the is witnessed for nearly half a century. ring to past transactions, and to what en regarded as precedents parallel to od of distress, I do so only with a view iving the effect of these precedents as le to the present time. If the course w adopted, of giving the relief required ay in which it is sought from Govern- every case of future emergency, and eature of distress (even of less general y distress than the present), this course e pleaded as a precedent; and if such ould occur in five or six years hence, ould be no reasonable ground left to re- portunities of those who may require it not be supposed that relief is pre- by Government not acceding to the now recommended to its adoption. k has the power of administering re- be way that has been pointed out, and 1826.

its power to do so stands upon the same footing as the discharge of any other of its functions. They may act as they think proper, and there is no person to call them to account. It is said, that although this power is vested in the Bank, yet that merchants are not disposed to go to the Bank for assistance. Why not? For the life of me I cannot see why such a disinclination should exist. What is the ordinary course of proceeding between the merchants and the Bank? It is usual for the Bank, in ordinary cases, to discount the bills of merchants; these bills are the connecting link between the Bank and them; they are "the visible and outward signs of property," on which the advances are made. But now a period has arrived when a chasm has occurred—a chasm between property and the advances made upon it. It is true, that as the Bank has the power of making advances, it has also a discretion to exercise, in the manner in which it makes them. But I am at a loss to know what objection there can be—why there should be any shyness on the part of merchants in taking their bills of parcels or their invoices to the Bank, which would be a substantial foundation of property, and on exhibiting which, advances may with propriety and safety be made upon them. There is one facility in effecting the measure at the present time, which did not formerly exist. Heretofore, the goods on which the advances were made, were scattered all over the face of the metropolis, and of the country; so that it would have been almost necessary for the Bank to have had an establishment in order to keep an eye upon them. But there is this facility in the transaction at present, that these goods on which advances would now be required, are warehoused; they are under the King's lock and key, and it only requires to turn the key in the door to effect a transfer of them. Under these circumstances, I own I can see no reason why the advances should not be made by the Bank, and required by the merchants.—There is one point to which, as it is a personal one, I wish to advert before I conclude. It was stated by an hon. Bank director, that during the pressure of severe distress his Majesty's ministers were out of town. It was stated, that in the month of December they were absent. Now I can only say, on the part of my rt. hon. friends (Mr. Peel, Mr. Huskisson, and the Chancellor of the Exchequer), that they were then in town (hear, hear), and that we sat day and night in constant and anxious consideration of the distresses of the country. We were then in town, when the hon. gent. was in the country (a laugh); at least, if he were in town, we did not see him on any of those occasions that we had the pleasure of seeing his brother directors; and I can appeal confidently to one of those gents. (Mr. Pearce), who, I am sure, will be ready to bear testimony to the anxious solicitude then evinced by his Majesty's ministers,—I can appeal to him to testify that there was no want of disposition—no want of zeal on our parts to render whatever assistance was in our power, nor were we backward in rendering those acknowledgments which were thought were due to the conduct of the Bank at that trying crisis" (loud cries of hear, hear).

Mr. Alderman *Brydges* and Mr. *Curtis* made a few observations in support of the proposal.

The petition was then ordered to lie upon the table.



*Mr. Cobbett's Second Petition.*

Colonel Johnson presented a petition from Mr. Cobbett, which stated—That the petitioner viewed with alarm that part of the Promissory Note bill which allowed the Bank of England to issue 11. and 21. notes for a longer period than was at first intended; a measure fraught with danger, and which would have the effect of preventing a return to a metallic currency. In illustration of the justice of this opinion, the petitioner adverted to two instances in which the holder of notes of a Norwich bank, to the amount of 1301., tendered them at that bank, and demanded gold. The demand was refused, but the party was offered Bank of England paper. Not satisfied with this, he went and got the notes changed for those of another bank in Norwich, to which he made a similar application, and met with a similar refusal; and on persisting in his demand, was threatened with being given into the custody of a constable. The petitioner prayed that in the bill before the house some summary process might be introduced, by which a banker should be compelled to pay in gold within 24 hours after the demand. He (Col. Johnson) would mention another circumstance, which took place at Birmingham; where a person presenting the notes of a bank of that place, and demanding gold, was refused. On stating that the notes were those of that bank, and that they had promised to pay on demand, he was told to look at the notes and he would find that the gold was payable on the notes only in London. This, he was sorry to say, was a matter of more frequent occurrence than persons were generally aware of; and he hoped that some clause would be introduced to prevent the inconvenience in future.

Mr. Hume requested the attention of the Chancellor of the Exchequer to the facts now stated, which were a practical proof of the necessity of adopting such a clause as that to which he had adverted on a former occasion. If some such clause were not introduced, it would be impossible to prevent an over-circulation from the country banks; and he was persuaded, that without some such check, the bankers would still go on to derive large profits from over-issues, to the great injury of the country.

The petition was ordered to be printed.

*Promissory Note Bill.*

Mr. Calcraft gave notice that he should propose that the country banks should have the same privilege of stamping their small notes until the 10th October, as that granted to the Bank of England. In consequence of the reflections cast upon country bankers in the course of the late discussions, a feeling was raised against them in the country, and they no longer enjoyed its confidence; the blame of which was mainly to be attributed to ministers. He had seen a letter from a country banker, which said, "that but for the measures of Government, every thing would have been well, and the country would now be in a state of comparative tranquillity."

The Speaker having left the chair, the house went into a committee on the bill, whereupon much conversation took place relative to the wording of the clauses, and some verbal alterations were suggested.

On the clause being read, which directed that the Bank should make returns every month to the Treasury, of the amount of its small notes in circulation, since the preceding month,

Mr. Maberly said, he thought it important that the country should know, not only the amount of the small notes, but also the whole amount of all the issues of the Bank since the preceding month. It appeared by the paper laid before the house, that in six days the issues of the Bank had increased by 6,000,000l. The Bank might issue a million per diem if it pleased; but though circumstances might require such an issue, still it could not be denied that property would be affected by it. No doubt if the Bank issued too much, the over-issue would come back on itself; but that would not hinder the over issue from causing a fluctuation in property, which would be injurious to the public. If their issues were regulated by proper motives, they could not object to have the amount known; but if by improper motives, that would be a strong reason why the return should be made. He would therefore move, that to the words of the clause there be added,—“and also an account of the amount of all notes in circulation since the last day of the preceding month.” At present, they would be obliged by this bill to send on or before the 15th of each month an account of only the 11. and 21. notes in circulation in the previous month, which were to be published in the *Gazette* within three days after.

Mr. Huskisson observed, that the house might as well call for the publication of all the other proceedings of the Bank, as for the account proposed. He had always contended, that the amount of Bank notes in circulation was not a fair criterion of their being in excess or otherwise, and the very fact to which the hon. member (Mr. Maberly) alluded was a proof of this; because if they saw the Bank circulation increased by 6,000,000l. in the course of a few days, and found, by the arrival of every foreign post, that it made no difference in the exchanges, was it not a proof that their existed no necessary connexion between the circulation and the rate of those exchanges? He mentioned this to shew that the public would gain no information by an account of the amount of Bank notes in circulation, by which they could judge of the state of the exchanges. He objected, therefore, to this amendment, because its adoption by the house would be giving countenance to a fallacy. The Bank were the best judges of the amount of their issues. No doubt, if those issues were very great, and they found that the notes came on them, and that their treasure was sent abroad in large quantities, they would feel it necessary to contract their issues; and thus the over-issue, if there had been one, would be corrected. He therefore objected to the amendment.

Mr. Pease thought it might be convenient that the extent of accommodation which the public required as to 11. or 21. notes, should be from time to time made known, though it might be of very pernicious consequence that the whole amount of Bank issues should be published. Peculiar circumstances might occasionally make it prudent for the Bank either to increase or contract their issues to a very great extent, and if the public were to be made acquainted with the mere fact of such increase or contraction without at the same time being told the particular



for it, a considerable degree of agitation and alarm would be created.

Maberly said, the very opposition of the Government to this amendment would lead him to urge its adoption. The Bank on several occasions, acted with great impudence, for when the exchanges were against them they had not contracted their issues: their issues were published, the country was aware of such imprudence on the part of the Bank.

On some further conversation,

Chancellor of the Exchequer consented to join the discussion, whereupon

Chairman reported progress, and asked to sit again on Monday.

### *of Exchequer Bills;—Bank Advances.*

LONDON, MONDAY, FEB. 27.—The Marquis of Londonderry expressed his regret at the application of ministers to the Bank, to make advances on the security of goods. It was admitted on all sides, that the proper course was to leave the Bank, in its transactions with the country, in as free and unembarrassed a state as possible; because they would then be able to regulate their issues according to the rise or fall of the foreign exchanges. Now, with reference to the exchanges, nothing was more likely to tie up and embarrass the Bank than making advances to a great extent on deposits of goods. At the time of the commercial crisis in 1793, this subject had been forced on the consideration of the legislature; and both the late Lord Melville were determined against any proposition for advances on which were then unsaleable. Mr. Pitt said, "that from the nature of the business, the Bank had declined interfering, because the security to be given was not such as the Bank had been accustomed to receive. The measure now proposed was of a temporary nature; the practice of the Bank upon deposits was permanent. The Bank took security for the business they transacted in this way for two months. The security to be given was not determinable at that time, and the measure was of a nature which the Bank had been accustomed to act upon." What Lord Melville said upon the subject was still more important, as his speech was the cause of the distress of that period, similar to that attributed to the distress of the present time, since he connected it with the Bank. He said, that he "begged leave to make his protest against any declaration that would create embarrassment of the merchants and bankers as the effect of the poverty of the country. He considered it as precisely the reverse, and would maintain, however odd it might sound, that it was occasioned by the unprosperity of the nation—a prosperity which had induced some individuals to push speculations beyond the extent of their private capitals, but by no means beyond the capital of the nation. To call upon the Bank of England to deviate from that line of conduct which it had proposed to itself, and which it had flourished, he deemed by no means prudent. The Bank discounted upon securities; but discounted on the principle of having its returns in two months. The measure now proposed admitted of a more extended period for repayment, and was entirely

different from what was the usage of that corporation." Now, if there were reason then for not inducing the Bank to deviate from its usual practice of discounts, how much more did not all those considerations on which that opinion was founded apply now, when it was agreed, by common consent, that it was to the state of the exchanges the Bank had to look for the regulation of their issues. Any diminution which the Bank might have to make in the currency on account of the state of the exchanges, must be made in the ordinary discounts to persons in trade, and thus the whole mischief of the measure would be thrown on that part of the community which was most immediately affected by a decrease in the circulating medium. If any artificial interference with the trade of the country was really called for, a direct issue of Exchequer-bills, in the manner in which that object was accomplished in 1793, would be preferable to the plan now proposed. Indeed, if that were true which was asserted,—and if it were not true, the measures adopted could do no good,—namely, that it was not money but confidence that was wanted by the merchants, nothing could answer the purpose better than Exchequer-bills; for those bills would serve to create the confidence which was wanted, and would create it without adding to the currency; whereas, by the intended course, every sum advanced would make an addition to the currency, and that in the most dangerous way, without reference to the state of the exchanges. The Bank, he supposed, must have already brought the currency up as far as the state of the exchanges authorized it to be carried: he would, therefore, request their lordships to consider how great the risk must be of inviting the Bank to issue great additional sums, which could not fail to place the exchanges in an unfavourable state. Then all the principles upon which they had been legislating, with respect to the circulation, would be counteracted, and the difficulty of bringing back the country to a metallic standard would, by the unfavourable situation of the exchanges, be augmented in a most alarming degree. He considered it, therefore, equally the interest of the Bank and the public that the plan should not be adopted.

The Earl of Liverpool said, that the Bank had a legal right, under their charter, to make advances on deposits of goods. It certainly did not follow, that because the right existed, it should therefore be exercised; but if the circumstances of the country were such as to make special relief to the commercial part of the community indispensable, then he thought that it ought to be granted through the Bank. This course was obviously preferable to the converting the Government into a Bank, and inducing the merchants not to look to themselves, or to the banks of the country for assistance, which they otherwise would naturally do. He thought that nothing justified the interference of the Government in mercantile embarrassments, unless the distress was occasioned by some great public calamity—some misfortune inflicted by the hand of God, or some political event of a very extraordinary nature. He must say then, that at present it was the Bank which ought to be looked to by the merchants, and not the Government, since the distress had not been brought about by any political events whatever, or by any public calamity, but by over-trading and other causes, respecting the nature of which there was a pretty



general agreement of opinion. He readily admitted that there was a degree of evil in the course proposed; but all the objections which could be made against advances by the Bank on goods, applied with greater force to an issue of Exchequer-bills. Unless the Bank were to cash the Exchequer-bills, there could be no relief. But the Bank could not render those bills available like goods. There was a material difference between advances on goods which must be repaid in three months, and on Exchequer-bills, which might be out a year, or even several years. The Exchequer-bills of 1793 were not paid off within the year, and there was afterwards another concern of Exchequer-bills, which had not been wound up for 22 years from the date of the issues. The plan proposed, therefore, left the Bank in a much fuller possession of its resources than any other mode of relief which had been suggested.

The Marquis of Lansdowne said, that the noble lord proceeded on the presumption that at the expiration of two or three months, goods for which no purchasers could at present be found, would be saleable. If the goods could not be sold, the Bank would have to renew the advances on them, and so run the same risk as if their issues were on Exchequer-bills; but if the Bank did not choose to renew the advances, then at the end of the three months the distress now experienced would recur. Did not this amount to locking up the resources of the Bank until a revolution in the state of commercial affairs should take place? And would not the Bank be thus placed in a situation which would render it impossible to make that reduction in the currency which the state of the Exchanges might call for?

The Earl of Liverpool said, that since the bonding and warehousing system had been brought to its present state, and merchandise was placed under the King's lock, the inconvenience of advances on deposits were in a great degree removed, and issues on goods might now stand on nearly the same footing as issues on the discount of bills. The money advanced, it might be presumed, would be but a portion of the value of the merchandise deposited, and thus the return of the loan made upon the goods could always be commanded. The noble marquis doubted whether an advance for two or three months would be of any use, but the limitation of the period was not a well-founded objection. He (Lord Liverpool) had conversed with many persons from different parts of the country, intimately acquainted with the present state of commercial embarrassment, all of whom agreed that advances for the short period he had mentioned would be of the greatest advantage; because they considered that there was no want of money in the country, and that the cause of the continuance of distress was the money being locked up in consequence of the want of confidence.

The Earl of Lauderdale complained that the noble earl had taught the country to believe, by his measures, that the present distress was caused by the state of the currency: and how did he attempt to amend it? Why, by teaching the country that the whole of our Banking system was unsound. What could tend so much to prevent all confidence, what to promote that want of confidence which the noble earl himself admitted was the cause of the prevailing evil? Many country banks had weathered the storm—they had come out of the ordeal uninjured and

purified—their credit was untouched, or it was confirmed—confidence in them was returning—when the noble earl told the country the whole system of our currency was erroneous. He charged much, if not all the want of confidence which now existed, to the measures before their lordships. If the noble earl had put into his Majesty's Speech some sentiments of deep regret for the temporary distress; if he had talked of relying on the growing prosperity of the country to retrieve it; if he had flattered the country into a belief that the temporary panic would not be followed by permanent distress; yet the project for improving the currency had converted that temporary panic into general distrust. The Government had receded—Government itself said so—and the country heard it in silent distrust. If any measure of relief were given, he was of opinion that an issue of Exchequer-bills would be much better than the measure proposed. An issue of Exchequer-bills had been advantageous in 1793, in 1811, and 1814, and similar good effects to those which then ensued, would, no doubt, have followed, at present, had this mode been adopted.

The Earl of Liverpool then moved the order of the day for bringing up the report of the committee on the

### *Bank Charter Bill.*

Upon its being read,

The Earl of Liverpool moved the introduction of his clause respecting the discretionary power to be vested in the branch banks.

The Marquis of Lansdowne moved that a proviso be added to the clause, compelling the Bank of England to pay its notes in coin in any part of the country in which it had been issued through the medium of its branch banks. He moved this in consequence of what had taken place in Ireland. After that arrangement had been made in pursuance of which the Bank of Ireland had established branch banks in different parts of the country, a number of their notes were presented at one of those branch houses for payment in coin, but the demand was refused on the ground that they were only payable in Dublin. The party making the demand, resorted to legal proceedings, for the purpose of compelling the Bank to pay in coin where the notes had been issued; but after the suit had gone on for some time, the Bank put an end to the proceedings, after consulting their counsel, who very properly represented to them, that, their notes being in the nature of a general contract, they ought to be paid wherever they had agents. Since, then, however, the Bank of Ireland had made an alteration in their notes, by the introduction of the words "in Dublin;" in consequence of which a party who took those notes in the country—no matter how remote the place—was now compelled to repair to Dublin, before he could obtain payment in coin. He had also been informed that the country banks in this country had so altered their notes as to make them payable in London, and no where else.

The Earl of Lauderdale agreed with the principle stated by the noble marquis, but the difficulty appeared to him, in the manner in which that object was to be carried into effect. If all these notes of the branch banks were to be made payable at the Bank of England, it would entail on that Bank the necessity of keeping a store of cash equal in amount to the number of notes issued for 7 or 8 different



places. On the other hand too, it was equally necessary to protect the branch banks from the effects of a run, which might be produced on them by any person demanding from them payment of a very large amount of notes issued by the Bank of England—notes which he might have brought down from London.

The Earl of *Liverpool* agreed that this proviso was one of some difficulty; but still he thought it was founded on good principles. It would, he admitted, compel the Bank to adopt notes of different forms; but so far from that being an objection, he thought it would be an advantage; for if, as it had been said, the Bank of England notes from their general currency were more liable to be forged than local notes, this measure, by confining the payment of the notes issued by the branch banks to the particular places where they had been so issued, and thus rendering their circulation local, would operate as a check to forgery. The measure would, moreover, afford a check upon the issues of paper.

The clause, together with the proviso, having been adopted, the report was agreed to.

### *Promissory Notes Bill.*

COMMONS.—On the order of the day for the house resolving itself into a committee on the Promissory Notes bill,

Mr. *Hume* said, that the rt. hon. gent. (Mr. *Huskisson*) and the supporters of this bill, were guilty of retracting the principle so ably set forth in the report of the bullion-committee, that the best system of currency was a paper one, convertible at pleasure into gold. One of the arguments which he had heard urged in favour of this bill was, that the issuing of 11. and 21. notes was interfering with the prerogative of the Crown; but if this argument were to have any weight at all, it must hold good to its full extent; and then it would prevent the issue of all notes. Some other supporters of the bill had endeavoured to recommend it, by describing the lamentable situation in which the working classes might be placed, who happened to be holders of these 11. and 21. notes; but he believed the loss on these notes had fallen much more considerably on petty tradesmen than on the working classes, though, be this as it might, the present bill could not prevent a recurrence of the evil. The holders of the 51. and 101. notes would still be continually exposed to the risk of bank failures, and the loss of 51. or 101. might quite as much distress petty tradesmen as the loss of 11. or 21. would a labouring mechanic. He must protest against any bank-notes of any kind being driven from circulation, because they must be replaced by a much more expensive currency, which would have to be purchased by substantial capital, and must, consequently, withdraw so much of it from being applied in advancing the trade and manufactures of the country. It had been recommended in his Majesty's speech that the banking system should be placed on a sure basis: it was the duty of ministers to see that this should be effected, and if any country bank should fail between the present period and 1829 in his opinion ministers ought to be held responsible to the community for any loss it might sustain by such failure, unless they required deposits to be lodged by the country bankers. Bank notes

might be suffered to remain in circulation without any evil consequences, if the issuers were required to lodge deposits, and there would be no great difficulty in effecting this. Commissioners might be appointed, and some office established at the Exchequer, or elsewhere, for receiving deposits of stock or Exchequer-bills from country bankers, of course accounting to such bankers for the interest which might accrue on their respective deposits. If any note should be presented for payment, and dishonoured, upon its being so certified by a magistrate, it should be competent for the commissioners of deposits to transfer a portion of stock sufficient to discharge the amount of the dishonoured note, to the holder; but this would be a case which would scarcely ever occur in practice, for the credit which the country banks would derive from its being generally known that they had lodged deposits equal to the amount of their notes in circulation, would be so great as altogether to prevent any runs upon them; and thus, without any risk, there would be realized a saving of from 23,000,000l. to 24,000,000l. of gold to the capital of the country. —Another provision which he wished to have introduced into the bill was, that all notes should be payable on demand at the place where they were issued; for he had been told that it had been the practice with some bankers not to make their notes convertible into gold, except at some place from two to three hundred miles distant from the place where they were originally issued.—He also wished that both the Bank of England and all other banks, should be required, on the 15th of every month, to publish an account of the amount of their notes in circulation.—He expected that he should be told that his plan was a mere theory, which never could be reduced to practice; but he would remind the house, that during the last year there had been an increase of 2,000,000l. in the paper circulation of Ireland, and still that country had not met with similar disasters in its banking establishments as had befallen this kingdom. Scotland had also escaped; indeed it was scarcely possible that any loss could arise from the chartered banks there. America also afforded an instance of the good effects of adopting the system of banking he had proposed. In the State of New York there were 35 chartered banks, and no private bankers whatsoever. It was invariably required, that all the capital should be paid up before they were allowed to issue a single note; they were all required to furnish an annual account of their issues, and indeed of all their transactions, to the Government; and if there appeared the least suspicion as to the solvency of any of them, a commission was immediately appointed to examine into, and report on the matter. Such were the good effects of this system, that since the year 1816, only one failure had taken place amongst these chartered banks, and that arose from its being connected with a private bank in another province. In Massachusetts and New Hampshire there were both chartered and private banks; with the chartered banks the non-payment on demand *ipso facto* amounted to a forfeiture of their charters; and it certainly was worthy of remark, that whilst almost all the private banks were obliged to suspend their payments on account of the great depression which took place during the war, every one of the chartered banks continued to pay in specie all the time; and



whilst other paper circulation was depressed from 15 to 25 per cent. the paper issues of the chartered banks were not depressed a farthing.

—The hon. member concluded by moving, that "it be an instruction to the committee on the bill, to provide for requiring from banks and banking establishments deposits (to be lodged in the Exchequer or other proper office,) equal in amount to the amount of promissory notes payable on demand, issued by them respectively."

The Chancellor of the Exchequer said, that this bill was of a mere temporary nature, and it would be a very inconvenient, not to say a very clumsy, mode of proceeding, to introduce into it measures of a permanent nature, and of such great moment in themselves as those suggested by the hon. member. The house had already come to a decision that these 11. and 21. notes, which the hon. member considered so innocent, and indeed so useful, were most pernicious; and the present bill was founded on the principle that it was desirable to effect their gradual extinction: whereas the provisions which the hon. member wished to introduce into the bill proceeded on different grounds, and professed to prevent a recurrence of the late disasters, by quite a different mode from that pursued by the bill. Of all the powers which could be vested in the Treasury, that proposed by the hon. member appeared to be one of the most objectionable. It would be dangerous to intrust Government with the knowledge of the amount of property which every man had vested in a country bank. It was a power that the Treasury might use with partiality and injustice, and he should therefore be averse to see it vested in those who had the direction of it. It appeared to him that the hon. member had completely forgotten that there were two species of creditors to every country bank,—namely, those who held their notes, and those who had deposited money with them. Now the security which the hon. member wished to exact from the country banks would be giving a preference to the first description of creditors over the latter. Indeed, the hon. members's plan would prevent the country banks from being any longer banks of deposit, and would thus destroy one of the chief advantages arising from the present banking system. The measure of gradually extinguishing the circulation of 11. and 21. notes appeared to him to be a more convenient and salutary method of checking the proceedings of country bankers; and as the hon. member proposed his scheme as a substitute for that measure, he (the Chancellor of the Exchequer) felt bound to oppose its being given as an instruction to the committee.

Mr. Hobhouse:—Unless a blow were struck at the root of the present system of country banking, the country would be continually involved in such dangers as those in which it was now struggling. The real cause of the calamity might be traced to the augmentation and contraction of the paper currency, not only of the Bank of England, but also of the country banks. It was the currency that determined the value of every species of property in the country. Those who held the issues, held the property of the country in their hands; and it, therefore, became the duty of parliament to adopt some measures to control them in those issues, if it wished to guard the country from the recurrence of such distresses as those under which it was now suffering. So long as they

allowed 800 country banks to trade in the currency without giving security for their issues, so long must they be exposed to these disasters. The bankers whose property was vested in those establishments were, generally speaking, men of education and respectability; though the system on which they acted was most pernicious. On this point he might avail himself of the opinion of the late Mr. Ricardo, who had declared his belief that in the major part of the failures of country banks, the parties might be fairly charged with something more than want of prudence; and had recommended as a remedy against future mischief, that they should be compelled to deposit with Government security in proportion to their issues. This opinion was the more valuable, as it came from a person who was thought to have carried his notions on the subject of free trade too far, and who had, in consequence, been branded with the title of theorist and visionary. The rt. hon. gent. had said that he did not like this plan, because it would render the Government acquainted with all the concerns of private bankers. Could not the securities be vested in the funds by means of commissioners? With respect to the deposit banks to which the rt. hon. gent. had alluded, his hon. friend did not intend to interfere with them; he interfered only with those who usurped the prerogative of manufacturing money for the country. If some measure were not taken to check the proceedings of country bankers, the next step that the house would be called upon to take, would be to destroy the country banks altogether,—a consummation which he, for one, should not be sorry to see effected.

Mr. Huskisson:—What he had said upon a former occasion had been strangely misrepresented by the hon. member (Mr. Hume). He had said that the issuing of 11. notes was an interference with the prerogative; but he had not attributed the same character to the circulation of a banker's capital. He had complained that the putting into circulation that which was equivalent to a sovereign was an infringement on the functions of royalty, and had stated that such a currency could not exist together with a metallic standard. In so doing he believed that he had stated a very clear and rational doctrine. He had never been guilty, he never could have been guilty, of such an absurdity as the hon. member had ventured to put into his mouth—that the paying away a bill for 201. was an interference with the prerogative! The hon. member (Mr. Hobhouse) had said, that he would not interfere with the banks of deposit. But how would a country bank be enabled to go on, if it were not a bank of deposit also? Then, if country banks were banks of deposit, what would be the effect of the hon. member's proposal? If it were to be carried, the effect of it would be to withdraw these deposits from them in almost every instance; and for this reason, that the vote of the house would be telling every man who at present had confidence in a country bank, that the circulation of the bank was guaranteed by the deposits required from it, but that the deposits of its customers were only to be satisfied when all its other debts were paid (hear, hear). He believed that if they could ascertain the amount of the notes which the country banks had in circulation, and also the amount of the sums deposited with them previously to the commencement of the late panic, it would be found that the deposits exceeded the notes in the proportion of five or six



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one; and yet it was now gravely proposed to relieve the existing distress by telling the depositors that they were not to have as good security for their money as the holders of the notes (hear, hear). If it were consistent with the permission which they had recently obtained from the Bank of England, to erect chartered banks, with a limited responsibility, the house could have a right,—nay, more, it would be its duty,—to impose upon them some obligation of this kind. But did the hon. member expect that any bank could be formed in consequence of his resolution, in which the parties engaging with unlimited responsibility were liable to be called upon for securities such as the hon. member had mentioned? To introduce such a regulation as was proposed by the hon. member, into the banking-system at present, would be a great hardship on those whose interests would be affected by it. If this instruction were given to the committee, it would greatly enhance the difficulties of the country; and such being his opinion, he felt it to be his bounden duty to give his strenuous opposition to the motion of the hon. member (hear, hear).

Mr. Robertson said, that the circulation of France was 85,000,000*l.*, and its population 33,000,000. The population of the British empire was 22,000,000, and that would require, if taken on the same scale with that of France, a circulation of 50 or 60,000,000*l.* He believed, however, that the circulation of England, on account of the greater dearth of all the necessities of life, might be taken at as great an amount as that of France; and if so, how was it to be supplied, when once this bill was carried into execution? The commercial population of the country would be fettered by it, and impeded in all their transactions. He therefore deprecated the passing of this bill, until the house had investigated more closely into the causes which were alleged as an excuse for it.

Mr. Leicester trusted that nothing would induce the rt. hon. gent. (the Chancellor of the Exchequer) to deviate from the course he had proposed; and that no opposition, either in that house or elsewhere, would induce him to relax the firmness of principles which, however they might be assailed by clamour, or the *civium ordo prava jumentum*, were the real means of preserving the prosperity of the country.

Mr. Monck said, that money, and not money's worth, was the basis of a well-regulated currency, and whenever this principle should be departed from, the consequences must be highly detrimental. If bankers were again allowed to issue notes under 20*s.*, every silver coin in the country would be driven out by their worse than useless paper.—By adopting the present proposition, there was an opportunity of putting a stop, for ever, to the mischiefs of the system of country-banking, and if ministers did not avail themselves of this opportunity, they would incur a heavy responsibility, and would have themselves alone to blame for the disastrous consequences which must ensue.

Mr. Maberly said, he thought his hon. friend (Mr. Hume) had not applied his usual discrimination to this subject. The security which he proposed must be incomplete, because, although it would protect the holders of the notes, the persons depositing their money with the bankers would be left without any security whatever.

The house divided, when the numbers appeared to be—

For the motion, 9—Against it, 120—Majority, 111.

The house then went into a committee on the bill.

Mr. Brogden read the clause enacting that the Bank of England should every month make a return of all its 1*l.* and 2*l.* notes in circulation since the preceding month, and the amendment moved by Mr. Maberly on Friday last, “and also an account of the amount of all the notes in circulation since the last day of the preceding month.” On the motion for the amendment being put,

Mr. Maberly repeated the arguments which he had advanced on Monday\*, which he supported by reading the following extract from Mr. Tooke's pamphlet on the Currency:—“Next to the administration of the state, there is no administration of any office so immediately and extensively affecting the interests of the community, as that which is intrusted to the persons who are invested with the privilege of issuing paper-money, and who, by the manner in which they exercise that privilege, have it in their power to produce great changes in the property and condition of every individual in the kingdom. No man, nor set of men, ought in my opinion to be intrusted with that privilege: but being so intrusted, their exercise of it ought to be subjected to the constant control and correction of public opinion. Such publicity would enforce a steady and consistent adherence to some settled rule, the uniform operation of which the mercantile world might understand and be prepared for. There is no reason whatever why the accounts of the Bank of England should not be published with as much fulness of detail, as is exhibited in the accounts published half-yearly by the Bank of France.”

Mr. Herries said that the amendment had nothing to do with the measure before the house. Nothing was proposed by that but to regulate the issues of 1*l.* and 2*l.* notes. If the amendment of the hon. gent. should be introduced, there was no other subject relating to the Bank of England that might not with equal propriety be engrafted upon it. There was another objection to it which he thought even stronger than this—the actual amount of notes in circulation was never any criterion either of the superabundance or deficiency of money; and he could conceive nothing more likely to produce confusion than the publication of such amount. Suppose, for example, it should appear by the monthly account that a large issue of bank-notes had taken place, and at the same time, from some other cause wholly unconnected with that, a fall had happened in the rate of exchanges, the inference would undoubtedly be, that the one was the cause of the other, and the greatest alarm and inconvenience would immediately be experienced. There were many other objections; but he mentioned this alone as sufficient to show the inexpediency of the amendment.

Mr. Calcraft:—The bill contained a provision that an account, like that called for by the amendment, should be furnished with respect to the 1*l.* and 2*l.* notes. If, then, the principle was recognized in this instance, and was acknowledged to be beneficial as to the smaller notes, how much greater would be the benefit

\* *Ante*, p. 263.



and security to the public, by having an account of that which formed the more important circulation of the Bank.

The *Chancellor of the Exchequer* said, that his hon. friend (Mr. Herries) had put a case in which great inconvenience might arise from the proposed amendment. Suppose, moreover, the converse of that case to happen, and a rise in the exchange to appear to be the result of the Bank issues, instead of the alarm which the other circumstances would occasion, a confidence as unfounded, and in the end much more mischievous, would immediately be created, and the distresses under which the country was now unhappily labouring would be renewed. But then the hon. gent. (Mr. Calcraft) said, that if the plan were good with regard to the small notes, it must also be a good one as to the greater circulation of the Bank. But the hon. gent. forgot that these two things were in themselves entirely different. The regulation was applied to the small notes because the Bank was permitted to issue those notes until October. In all other respects the Bank of England was on the same footing as to the issue of notes as any other banking establishment in the country.

Mr. *Pearse* :—If parliament had called for such an account of the Bank issues, as was now asked for, during the continuance of the Bank restriction, there would have been some plea for doing so; but now that cash payments were resumed, the Bank stood in precisely the same situation as any other banking establishment. He was of opinion that if a weekly account of the Bank issues was to be published, it would give rise to all sorts of rash speculation, and particularly with respect to the exchanges.

Mr. *Maberly* considered the check which it was the object of his amendment to impose upon the conduct of the Bank, indispensably necessary. The Bank had departed from all the true principles of banking, as appeared from their own statements. When he spoke of the statements of the Bank, he did not allude to any public document, but to those detached portions of information which from time to time escaped from gentlemen connected with the Bank. It was admitted that the Bank had contracted to pay 13,000,000*l.* on account of the dead weight. Would they have dared to do that if they had been compelled to give a weekly account of their proceedings? The Bank had lent all its capital to the Government, and that had occasioned an extensive issue of paper. The time would come when it would be necessary to contract their circulation, and then, if the exchanges should be adverse, the prices of commodities would be reduced more than 10 per cent. One of the Bank directors had stated before the Bullion committee, that the Bank acted as trustees for the public. Could he venture to say that, now, when the Bank had engaged its capital to Government to the extent of 25,500,000*l.*? Independently of their engagements with Government, the Bank had thought proper to lock up a portion of their capital in mortgages. Ministers had assigned no reason for not agreeing to the amendment, except that the present was not the time for proposing it; but they had not stated why the time was not suitable.

Mr. *Pearse* observed, that the proprietors of Bank stock, who were chiefly merchants of the highest character and talents, though naturally anxious to obtain a knowledge of the concerns

of the establishment with which they were connected, were nevertheless so satisfied of the abuse which might be made in the commercial world of the information which the member for Abingdon desired to have made public, that they had constantly resisted every endeavour which particular individuals had made to procure its production.

After some further observations from Mr. *Ireing*, the amendment was negatived.

On a succeeding clause being put,

Mr. *Hume* observed, that in preceding acts, a clause had been introduced which provided, that if any banker should refuse to pay gold for his notes on demand within a limited period, either three or seven days, a distress should be levied upon his property. This clause had been omitted in the last act; so that at present the holder of a note was obliged to bring an action against the banker, and incur six months' delay. Poor persons, therefore, who could not afford to bring an action, were altogether debarred from remedy. He would therefore propose an amendment, restoring the summary process.

The *Chancellor of the Exchequer* observed, that the purport of this bill was to replace the currency in the state it was in prior to the Bank restriction act, at which period no clause like this existed. He thought the proposal liable to serious objection, and that it was almost impossible for country bankers to carry on business if it were adopted. Creditors of a country banker, holding promissory notes, would by this means have a better hold upon him than other creditors. He had never understood that before the Bank restriction act, any practical inconvenience had been felt for want of this remedy.

Mr. *Warre* :—With reference to the remark of the rt. hon. gent., as to the injustice of placing the holder of a promissory note of a banker in a better situation than his other creditors, he (Mr. Warre) did think that the claim of a person who had received that note as currency entitled him to be so placed. It might be said that poor people need not take these notes; but they must take them: he therefore thought they were entitled to some preference. Although he would not go the full length of the amendment proposed, he thought some remedy should be applied.

After much desultory conversation, the house divided, when the numbers were—For the clause, 19—Against it, 163—Majority, 144.

Mr. *Hume* proposed a clause that, in future, all promissory notes of 5*l.* and upwards should be made payable at the places where they were issued.

Mr. *Huskisson* said, that he intended to move a clause (but by some mistake had not brought it down with him) that it should not be lawful to issue any note under 20*l.* unless payable at the place where it was issued—not restraining the banker from also making it payable at any other place which he might judge convenient.

After much conversation, the clause proposed by Mr. *Huskisson* was read. It set forth, that, after the 5th Feb. 1829, every promissory note, for any sum under 20*l.* issued by any banker, should be made payable at the bank or place from which the same was issued; and also at such other place or places as might be mentioned in such promissory note.—The clause was agreed to.

Mr. *Monck* moved a clause, providing that



for the employment of the poor, by the commissioners appointed under the acts 57 Geo. III. c. 34 & 124, and 3 Geo. IV. c. 86; specifying the purpose and time for which each loan was granted, the parties to whom granted, the nature of the security, rate of interest, any repayments hitherto made, and the amount now due and outstanding, and when payable: also of Exchequer-bills undisposed of and still applicable under the provisions of the said acts."

Mr. Tierney:—"Sir, I hope I may not be considered out of order in making a few observations upon the question which has just been disposed of; connected as that question must be considered with the one immediately before us, and having the pretence of the same object—an attempt to apply relief to the prevailing distress. When I came down to the house this evening, for the purpose of being present at the discussion which was anticipated upon the motion of the hon. member (Mr. T. Wilson), I certainly expected to have heard some reason assigned for the rejection of that method of alleviating our commercial difficulties, which had been pressed upon the attention of Government by many gentlemen on this side of the house, as well as myself, and which was so fully justified and supported by the precedent of 1793. We have been told, it is true, that the precedent of 1793 was founded upon transactions totally different, when the country was involved suddenly in a war, after the most profound tranquillity; and that the Bank of England had, by its charter, the exclusive title to make such advances as might be required from them. Certainly the Bank of England owes a very great obligation to the rt. hon. gent. for the discovery; but I would take leave to say, that while I acknowledge as fully as any man the force of the objection taken by a right hon. gent. (the Chancellor of the Exchequer) in a former debate, that any interference of the Government in the mercantile transactions of the country is wrong, and ought always to be avoided; yet I think that a case may be made out strong enough to warrant that interference upon the present occasion, and I wish the adoption of the measure then recommended had been pressed more strongly upon the attention of the Government, or, at all events, not abandoned without a greater struggle. The question is simply, whether there is at the present moment such a wide spread distress—such an alarming crisis of embarrassment and want of confidence, as would justify a departure from all general principles, and warrant such an extraordinary application of the power of the Government of the country as had proved so beneficial in the period of 1793? I have been told by the rt. hon. gent. (the Secretary for Foreign Affairs and the Chancellor of the Exchequer) that the distress of that period grew out of the acts of the Government; that it was created by the necessity which they felt of altering the condition of this country with regard to other nations, at a time when they had led the commercial interests to believe the very contrary; and that, therefore, the distress of the present period was in no way to be compared to 1793, either as regarding the act of the Government or the situation of individuals. But, sir, when gentlemen talk of the acts of the Government producing peculiar circumstances, I ask what was there in the peculiar circumstances created by the Government

then, more than in those which have been created by the Government now? It is the fashion, sir, both in this house and out of it, to talk of the extravagant speculations and delusive enterprises and egregious follies, which have reduced our mercantile classes to their present situation. How far those charges may be true, I, for one, cannot speak positively. My knowledge on the subject is gleaned from the newspapers, out of which, I fear, many take their opinions, without giving them due consideration; but I ask, even if it be as it is stated, if mercantile men have been guilty of the extravagancies laid to their charge, how do we stand at present? Who are those who have led our merchants and the country into these follies? Why, the ministers. Did not they tell us, in speeches from the Throne, and in speeches to this house—did not they remind us, at all times and on all occasions, that our strength and our resources had become equal to any enterprise (hear, hear)? Did not they assure us that our prosperity was of a nature so permanent as to be safe from the effect of any contingency, of any disaster (hear, hear)? Was it not the rt. hon. gent., in conjunction with the Bank of England—for I cannot separate them upon the question—who gave rise to this opinion, that our power and our resources would be perpetual—and have they not, by the whole of their operations for the last two years, acted up to the very utmost extent of that opinion? Yet in how short a period have we run our race of prosperity! And were those who trusted to these professions of the Government—to be told, that because they have believed them, therefore the Government won't assist them (hear, hear)? Taking out of consideration all other measures which may have emanated from this shew of prosperity—for I will not even dwell upon the issue which has been permitted of country bank notes, nor upon the issue of the Bank of England, nor even upon the measure of the dead-weight, to which, I say, the rt. hon. gent. (the Chancellor of the Exchequer) gave his assent, although he did not, perhaps, suggest it—nor upon the lendings of the Bank of England upon mortgage; a measure to which, if he did not give his approval, he at all events yielded a concurrence in compliance with the wishes and the votes of great numbers of highly respectable gentlemen of the landed interest in this house; but I say, sir, independent of all these things, did not Government lead the way in that race of profligacy and folly which has brought us to our present condition? Look but at the state of the holders of the 4 per cents.—are they not deprived of the eighth of their income for ever, by this very excess of confidence in the Government? And then let us go farther, and look at the holder of the new stock, which he possesses in place of what he held before. What is his situation? Why, he has lost still further 14 cent. upon even that reduction in the space of nine months; and what imprudence has he been guilty of? The most sensible man in the world might have been subjected to such a charge, and will it not be admitted that he has some right to complain of the conduct of the Government? To be sure, it may be said, that the risk was their own; that they knew the hazard; that they had notice of being paid off, and might have taken advantage of such a permission. Undoubtedly that was true; but who was it produced the artificial rise in the funds,



which gave the power to effect these changes? Was it not, I ask, solely the effect of the operations carried on in the stock market between the Government and the Bank (hear, hear)? Every holder might, I am aware I can be told, have taken advantage of the permission to sell out and realize his profits; but, I ask, what was the fate of those who held as trustees under settlements, as executors or agents for the benefit of children or minors? They could not, if they were ever so desirous, have adopted the course pointed out to them, and they have therefore been sufferers to the extent I have mentioned beyond all possibility of redress. No issue of Bank-notes or Exchequer-bills, or any other measure of relief which we may adopt, can restore to these classes the sums they have been deprived of from the changes produced by Government in the last two years. If ever the commercial interests, or any other class, had fair claims upon the protection and support of Government, I contend, sir, it is at the present moment, when they have been reduced by the acts of that Government to that very state from which they seek relief. The rt. hon. gent., however, says, that they are not entitled to relief, because they might have foreseen what would happen. Did he foresee it (hear, hear)? If he did, then the measures he adopted were the most culpable which have ever been attempted or executed by any men since the commencement of our history, and they were entitled to relief as an expiation for the errors of Government. If he did not foresee it, then, I say, neither could they; and, therefore, they are the more entitled to that relief they pray from Government, as it was from their reliance on the wisdom of their measures, that they have been led into the errors which produced their misfortunes. In either case, therefore, I say, sir, Government should do what they ask; and I cannot but think it rather extraordinary that the rt. hon. gent., or any of his colleagues, should turn round and seek to free themselves from their claims by declaring they had themselves been the authors of their own misfortunes. I say that, under the circumstances, there never were any set of men complaining of suffering, who approached the Government with a better title to relief, or to the active interference of this house in their behalf. There never was an occasion when such a relief held out a better prospect of benefit to those who think their situation imperatively requires it. For I repeat what I said on a former occasion, that there is nothing in our situation to create dismay, even at present,—nothing to excite any alarm as to the future. We are in a condition of extensive pressure, of considerable embarrassment, of a terrific panic—but not of permanent difficulty. And what has created that panic? Why, was it nothing that men should see the 3 per cents. they purchased at above 90, go down 20 per cent.; and that the holder, at the former price, should see himself plunged from such a height without any ostensible cause? That was panic, aye, and reason enough too, without any other of the various sources which have been pointed to as the cause of universal distrust. But was not that very fall the act of Government in producing an unnatural rise, and is not the consequence of this rise a reason why the Government should interfere, and restore that confidence they themselves have assisted to destroy? And, sir, I say that it is confidence,

and nothing but confidence, that we want (hear). No man views his neighbour at except with distrust; but let Government interfere—let them shew that they listen to statements which have been made to them, that they are desirous to restore what they assisted to destroy, and confidence will itself. What, however, does the Government say?—"Oh, your distress is your own; we cannot interfere; it would be establish an unwise principle, and lead to future calamities of the same description; but I will tell you what you can do; there is a gentleman who lives not far from hence—we know he can commodate you (laughter), and we will give you a letter of introduction, which we doubt will procure you a favourable result (great laughter)." But what says the man to whom the letter is directed?—"Sir, it is quite a mistake; really there is no error on the part of your friends (laughter). We don't deal in such commodities (laughter). We never advance money on pledges. You must apply to your friends; they can assist you themselves." The loan-seeker returns with this answer to his former friends, the Government. "Oh, they, indeed our friends the Bank of England, to whom we referred you, are very mistaken. We have just been reading their charter—they are all wrong (laughter). It is a matter of power, and they have the power, and they will do exactly the men to suit you. As to what we say of us, we beg to tell you it is quite our line" (great laughter); and thus the man bandied about the unfortunate sufferer from one to the other, instead of coming forward with that relief which becomes more necessary. The rt. hon. gent. (Mr. Canning) says the Government are a proper body to grant the aid required; the Bank Directors, on the contrary, maintain they are the only proper persons, and assert the Bank may have, by their charter, a power but certainly not an imperative power during the whole course of my experience have certainly never known any such power adopted by the Bank of England. The sec. retorted upon me in a manner which I cannot but acknowledge convincing, as the argument went, proving from their charter that they had precisely the same power with respect to advances upon merchandize as gold, silver, or bills. But, while I acknowledge that, I must say, that I do not consider that part of the charter of the Bank of England was ever meant to be acted upon; I know the Bank, like other public bodies, have taken advantage of the wants of the Government obtained all they could; but, although I have no doubt that such words are contained in their charter,—at least, I do not doubt it, if I have not had the opportunity of perusing it (a laugh)—yet I conceive that it was never the intention of the legislature to give that portion of the issues of the Bank an imperative power. The Bank, we see, has the power to lend money upon mortgage, and, of course, they have the power to sell securities as may be the produce of lands which they have got into their hands. Now, I would beg to ask how the landed interests would look at the construction of that part of the charter which would make that great body become the buyers and sellers of grain, and all those articles which are raised from their estates (hear, I



believe such a construction was never contemplated; and, however it may be proposed to apply it now, I think it was never meant that the Bank should exercise any power of the kind. The Bank directors have contended, I think with some success, that the assistance rendered by them will be much less effective than that which could be bestowed by Government. In that I fully agree. We have had persons from all parts of the country, calling upon us to extend to them the same relief which we propose to give the merchants of the metropolis. Now, by what means are the Bank issues upon goods to reach all parts of the country? What security have they against deception? How are they to distinguish between those who really want assistance and those who may be merely about to procure the means of engaging in other speculations, probably more ruinous than those under which they suffer at present? I ask whether they have power to administer an oath for the purpose of coming at the true state of an applicant's affairs? No. Such a power could only be conferred by a bill like to that under which the commissioners acted in 1793. The Bank could do nothing of that kind; all their power was the mere issuing of money to those who might apply for it under the pretence of possessing certain commodities not at this moment saleable; but would that alone restore that confidence, the want of which was the source of their present misery? I have experience for saying it will not. It has been tried already; the Government have embarked a sum in that adventure, and returned with a total loss (hear, hear). They have issued two millions of Exchequer-bills, not one sixpence of which has found its way into the pockets of those who really suffer, or promoted the sale of one farthing's worth of goods. Could any further advances produce any better effects in that way? An ignorant man upon such subjects, like myself, possessing very limited means of judging, but looking to the effect of experience, would say decidedly, that they could not. The two millions of Exchequer-bills have been converted into Bank notes, which were, by this means, disseminated through the country; and yet there was no perceptible diminution of the distress, nor would there be, if they advanced three millions more. If, then, no such extraordinary effects flowed from the two millions, what encouragement had they to persevere in the same course, when the house was about to grant three millions, to be applied much in the same manner? But we have been told, that the directors were not without a hope, that the intelligent and hon. gents. of the country, would form themselves into commissioners, for the purpose of investigating the claims of the petitioners, and aiding in the distribution of the money, in the shape of co-operating committees. Is that, too, in the charter of the Bank? Are they, by that charter, entitled to appoint commissioners to pry into the private affairs of any men who may want assistance in this season of depression? I should be glad to know who these commissioners are to be: I should be glad to see their names, and be able to ascertain whether they were selected with that peculiar regard to the integrity of life and honourable character, and knowledge of business, which so peculiarly distinguished the commissioners under the act of 1793. They were selected without regard to party distinction, or any other consideration, but their thorough knowledge of

business, and their determination to make the assistance as general, impartial, and useful as it possibly could be, under the circumstances; but how are these commissioners, without even the power to administer an oath, how are they to keep such a careful guard as not to relieve the least deserving, and the least necessitous, perhaps? This, I say, will be the consequence; improper persons will receive the money, and no good will be produced by the efforts of the Bank. I think that would not have been the case with an issue of Exchequer-bills through the commissioners of the Government; not only because I think these bills would not have been sold, but because I also think there would be more judgment and discrimination in the selection of the objects of relief. If I get relief in Bank notes, it is ten to one but I pass them, and throw them into circulation, without gaining any confidence in my resources; but the possession of Exchequer-bills is different. Suppose I go to my banker, and say I have a large quantity of goods, for which I cannot find a market; but if you will accommodate me with an advance for a short time, I shall be able both to wait for a market and an improvement in prices. The banker, affected, very justly, by the present posture of affairs, probably replies that it is quite out of his power—that the total want of confidence among all mercantile men, prohibits his extending his engagements—and that he is very sorry, but he really cannot assist me. Now, what would be the difference, if I obtain, suppose 5000*l.* worth of Exchequer-bills from Government, and go with those bills in my hand to the banker, and tell him I will lodge them as a security for temporary accommodation, in the ordinary way of business? What is the consequence? The banker, who will not have any thing to do with my unsaleable goods, willingly obliges me upon the faith of a convertible security like Exchequer-bills. He renews his discounts—he restores his advances—confidence revives naturally, from the effect of such appearances—and affairs, as they did in a similar manner in 1793, right themselves, without the necessity of any further operations. The fair trader, the person we mean to assist, thus receives a stimulus and an aid in his exertions. The hoards which have been locked up, as I contend still they are, for the capital in the country is abundant, are thus called out into service. The money which has lain dormant in the hands of the timid and the cautious, once more makes its appearance, and thus we reach, without any effort, and by the mere action of natural causes, that confidence, which is all, I say, that is wanted to restore us to our former state of activity and prosperity. Why is it that such confidence has not been restored already, after all the exertions of the Bank and the Government? Purely because ministers do nothing to restore that confidence, with a single exception in the latter end of a speech of the *rt. hon. Secretary for Foreign Affairs*—a speech, in many respects, as brilliant as any we have ever heard from him—there has not been one cheering expression from the lip of any one member of Government, who addressed us upon the subject of our present distresses. All has been doubt, gloom, and hesitation; although nothing was actually required but the language of confidence from them, to restore confidence among the people. It is not by the appointment of a mock commission, for I can call it by no other name, that we can hope to gain the



benefits which arose from the commission of 1793. I may say, with a decided tone, benefits, for they are not a matter of rumour or hearsay, but of history. We have the report of their success upon the table, and by it we find that a sum of not more than two millions, advanced in Exchequer-bills, not only restored confidence, and relieved all distress, at a time as fearful as the present, but actually left in the pockets of the Government a profit of 4000l. Suppose that the Bank had refused, as they were quite justified by their charter in doing, to grant any relief, and that Government had continued to maintain these principles, what would have been the consequence to the mercantile world? Why, despair, and certain destruction to all hopes of reviving our fallen credit. If the Bank is to grant the relief which may be required, I can see no reason why they should not have the full credit of their exertions; but I confess that, to hear those who are in a great degree responsible for our misfortunes, say they have nothing to do with them, requires a greater degree of temper than I can boast of. I still say, however, that if any thing is to be done, it should be done in a solemn manner, as an act of the legislature. Does the house see, however, what will be the inevitable consequence of this measure—and how immeasurably the Bank will be raised, by thus making it the sole depository of relief? You say men will be guarded against any future imprudences, such as we have witnessed, by the difficulty which they have found in procuring relief from their distresses. But is an order on the Bank of England no immediate relief? Under other circumstances, they would have had to come before parliament to have proved a case, to have made out a claim for relief, and parliament would have had an opportunity of judging how far they might be entitled to it. Now you tell them all that is unnecessary—that the Bank of England alone have the power to make advances to their necessities, and that they are bound to comply with their demands. What is that but an encouragement to such speculations, when they know that on any future occasion they have but to apply for a cheque upon the Bank of England, upon the security of any goods they may possess? Does the house see, likewise, the extravagant power that is thus given to the Bank, and the strange effect such power must have, when the question of the renewal of their charter again comes under its consideration? Country gentlemen will take good care how they give their votes—not that I mean to say country gentlemen don't vote very properly on all questions (a laugh); but they will take care, in common prudence, not to displease a body who possess such a power of obliging them, in the moment of distress. Those, perhaps, were all minor considerations, and should be postponed at this hour. The distress, it is evident, is hourly increasing, and nothing but some check, interposed speedily and decisively, can prevent the most alarming consequences. The Bank, we are told, are willing to do what they can. The Government will do nothing. I don't mean it as a reproach upon that body, who have opened their coffers, on every occasion, with a liberality beyond all praise, when I say, that, even after the full extent of the assistance you propose, you will leave a something still behind, and that some want of confidence will still be felt, which I contend is the main source of all the evils which afflict the commercial world. I can easily con-

ceive that there are many persons, to whom an issue of money will, at the present moment, be very convenient. But what I want to see is something that will remove distrust, restore confidence, and bring again into circulation those masses of money which must still be in the country. For if it is not in this country, whither is it gone? We have none now carried away by foreign loans—very little by the love of spending in foreign countries—none of our great capitalists have removed themselves from the kingdom. The exchanges are not against us, and in fact, sir, there is no possible conclusion to which any man of common sense can come, but that there is an abundance of gold in the country—that all we want is a something to draw it out; and I must say that the proposition of making the Bank issue three millions of their notes as a remedy for that purpose is mere milk and water proceeding compared to the plan of 1793, which the genius of Mr. Pitt prepared and matured for the public benefit, and although I am told by one and another that this will be sufficient for the purpose of restoring confidence and relieving distress, I would say, that there is not one man of any judgment in the city, if the question was put to him whether he would have three millions of money from commissioners appointed by the Bank, or three millions of Exchequer-bills from commissioners under an act of Parliament, who would not answer that he would prefer the Exchequer bills under the authority of Parliament. Ministers have, in fact, sheltered themselves under a very dexterous kind of doctrine—a something of a special plea, by thus thrusting forward the charter of the Bank; and I do not feel at all surprised that the Bank, however unwilling they may be to carry such a measure into execution, have granted their consent, rather than see, living as they do in the middle of the city, all their own friends and connexions mouldering to pieces around them, for want of the aid which the Government alone should have afforded them. No person could be more adverse to the principle of interference, than the part of the Government, than the Chancellor of the Exchequer; and whilst the country was plunged in distress, the Bank was leaving the responsibility of relief upon the Government, and the Government again threw it back upon the Bank; and the result was, the projection of a plan, which, I believe, will be ineffectual, and the precise nature of which no person professes to understand. The measure which I recommend, belongs more to the politics of the hon. gent. than they do to mine. It is the measure of Mr. Pitt. As to Mr. Pitt, whatever differences may have existed between us—and that he is in his grave, they are forgotten. But this I will say of him, Mr. Pitt was a great man—no man had a more sound mind, or was more capable of embracing a large, correct, and comprehensive view of the financial concerns of this country. This was his measure—it was an useful and effectual measure at the time, and in recommending its adoption I am more of a Pittite than the rt. hon. gents. will resist it (laughter and cheers). Yet, although I closely adhere to the course marked out by Mr. Pitt, I am visited with the epithet of Jacobin, or philosopher, or some such name, intended to convey opprobrium. The rt. hon. gent. say that the country has no claims upon them for relief—and that if it be encompassed with embarrassments, it brought itself into those difficulties. But I reply to ministers, that if



country was deluded into that course by their representations. I do not mean, however, to impute blame to Government for all the rash and idle speculations which have been entered into during the last two years. There were many of those rash schemes, at which I am satisfied ministers were deeply and justly indignant; such, for instance, as many of the foreign loans. But what I am apprehensive of now, and against what I see no precaution, is, that much of the three millions now proposed to be issued by the Bank, on the security of goods, may get into the hands of some of those rash speculators (hear, hear). I do not see how this measure is to operate; whether money is to be advanced on the security of goods alone, or whether it is to be advanced on other security. In 1793, money was not only lent on the security of goods, but also on the security of individuals—on persons of established credit becoming responsible for their neighbours. More, indeed, was lent in this way than on the security of goods. As to the alarm that is said to prevail from one end to the other of the country, I beg again to repeat, I by no means participate in it; I do think that there has been a great deal of unnecessary exasperation, although perhaps some part of it has been produced by the recent measures of the *rt. hon. gents.*, which they have adopted to prevent the recurrence of the evil. I do not blame them for these measures; on the contrary, they have my hearty thanks for them, particularly the withdrawing of the 11. and 21. notes from circulation. It is a measure that I approve of, and should myself recommend. As long as the *rt. hon. gents.* stand by me, they will find me good soldier enough to stand by them. But at the same time that they adopted this measure, they did not, perhaps, foresee that the sudden withdrawing of these small notes would have had the lamentable effect that it has had in augmenting the present distress. Another ground which appears to me has tended in no small degree to keep alive alarm and distress, was the unwillingness of Government to come forward and relieve the country from its embarrassments, whilst it evinced the greatest anxiety to place the Bank in the situation it ought itself to occupy. Any man who was placed in circumstances of distress, and who was only separated by a narrow line from bankruptcy, would doubtless prefer the relief in the way of Exchequer-bills, to that of a Bank note; as in the former case he would have increased reliance in the security of Government. It is, besides, a more desirable mode of relief in point of convenience, and upon every other ground on which I can regard it. I would, therefore, earnestly request the *rt. hon. gent.* (the Chancellor of the Exchequer) to reconsider the measure, and the reconsideration of it will, I trust, yet lead him to its adoption.—Why, then, do I prefer the issue of Exchequer-bills to that of advances on goods by the Bank of England? Briefly, because looking to what has been done, I have the benefit of experience to shew me, that the former was tried, and that it was found to be an efficient measure; and because the country ought, in its present difficulties, to look rather to the Parliament and the Government for relief, than to the Bank of England—because the Bank of England is not an establishment constituted for the purpose of affording such relief; and because it proposes to place an invidious and extravagant power in the hands of

the Bank, the exercise of which may be materially inconsistent with its own interests, and place them in jeopardy (hear, hear). Now the conduct of the Bank does not merit that it should be treated in this way by the Parliament and the Government. It is proposed, I am aware, to introduce some measure which will secure the Bank against embarrassments attendant upon this advance, but it is not quite so clear that this will guarantee them against the losses which they may experience in the event of the exchanges which are now in our favour turning against us—an event which may be consequent on the large and unnatural issue which it is proposed the Bank should now make. There are many persons who would be ready to take advantage of any slip that the Bank may make, and turn it to their own account. In every view that the subject presents itself, I can only regard it as one unlikely and inadequate to meet the end proposed by it; whereas there are many worthy persons whose affairs are now in jeopardy, and who would be relieved by that measure, which has been proved to be a sound and good measure, but whom the present will probably never reach. I am sure the *rt. hon. gent.* would deeply regret, should he hereafter have an occasion to reproach himself, that such persons were in distress, that something might have been done to relieve them, and that he had had an opportunity, but neglected to do it" (hear, hear).

The *Chancellor of the Exchequer* said, that if any consideration of this subject could induce him to think that the course recommended by the *rt. hon. gent.* was preferable to that pointed out, and determined upon by ministers—if any length of deliberation or process of reasoning could convince him that that measure was the most advisable measure to adopt; no unwillingness to abandon an opinion he had previously formed—no fear of reproach for want of firmness and resolution, would influence him in withholding his assent to its adoption. If he were satisfied that the interests of the country required it, he would readily forego his previously formed opinions—but the more consideration he bestowed upon the subject, the more was he convinced that the proposition of the *rt. hon. gent.* (Mr. Tierney) was not so well adapted as the proposed advances by the Bank to afford effectual relief to the distresses of the country—the end which it was the common object of them all to effect. The *rt. hon. gent.* had stated his case with the most perfect fairness—he had mixed not an atom of asperity with any of his observations; and though he had felt it his duty to comment on the conduct of Government, and to blame them for the course which they had taken, he had done so in a manner of which no one had a right to complain, and indeed, as far as he (the Chancellor) was concerned, he felt personally beholden to him. The *rt. hon. gent.*, however, said that Government was called upon to take the particular course which he recommended, because in his view the conduct which they had previously held, and the language which they had previously used, had contributed in some degree at least to produce that state of things to which it was now desirable to apply a remedy. The circumstances stated by the *rt. hon. gent.* might make it incumbent on Government to apply a remedy; but not any particular remedy, unless it could be clearly shown that the benefit to be derived from that parti-



cular remedy was so greatly superior to the evil consequences that might be apprehended from it, as to over-balance all the obstructions which could be offered to it. It was because he did not think that the remedy proposed by the rt. hon. gent. was of that description, that he could not bring himself to adopt it. He, however, was not disposed to admit that the course which Government and parliament had pursued, deserved all the imputations which the rt. hon. gent. had thought fit to cast upon it. The rt. hon. gent. accused Government of having been the original cause of the reduction of the rate of interest, which he said had led to excessive speculation. The rt. hon. gent. ascribed the reduction of the 5 per cents. to some previous mysterious combination between Government and the Bank. Under what circumstances did Government propose that measure? It was proposed under the sanction of a parliamentary committee. In 1817, a committee of that house particularly recommended the reduction of the 5 per cents. as a measure calculated to relieve the country, and diminish *pro tanto* the amount of the engagement which the national debt imposed upon them. It was not surprising, therefore, that when the rate of interest in 1822 was found to be such as favoured a reduction of the 5 per cents., Government, acting upon the recommendation of the committee, should avail themselves of it for the purpose of saving to the country an expense of 1,400,000l. a-year. However, many of the acts for which the rt. hon. gent. found fault with ministers, took place not before, but subsequent to the reduction of the rate of interest. The passing of the 11. and 21. note act, and the arrangement of the half-pay and pensions, took place subsequently to that measure. It was therefore impossible to charge on those acts the reduction of the rate of interest. He must most positively deny that Government endeavoured by any process of combination with the Bank to promote a state of things which should reduce the rate of interest. He thought that if Government had done any thing of the kind, they would have been guilty of a fraud;—beyond all doubt it would have been a fraud upon the persons who by the process of reduction were compelled to sacrifice a part of their incomes. He would state to the house one circumstance which would prove that Government had acted *bonâ fide* in the transaction, and had not been desirous to produce a state of things calculated to assist them in the operation which they proposed. When he stated, at the commencement of 1824, that it was the intention of Government to propose the reduction of the 4 per cents., it was suggested that great facility would be given to the operation—by what?—by reducing the interest on Exchequer-bills. He said, "No, it would be unfair to do that; the reduction of the rate of interest on Exchequer-bills must follow the reduction of interest on all other securities, but it would not be acting with good faith to resort to that measure for the purpose of increasing the disposition of individuals to accept 3½ instead of 4 per cent." He gave that as a proof that Government had not lent themselves to any measure calculated to effect by artificial means that which in the natural course of events was not practicable.—The rt. hon. gent. said that he thought it would be proper to follow the example of 1793; and he used one expression which he must confess rather startled him, and in his opinion furnished

one of the strongest possible reasons for inducing the house not to adopt that precedent. The rt. hon. gent., in alluding to the proceedings of 1793, spoke of it as being an established practice. If ever it should become the established practice for Government to become bankers and pawnbrokers, it would derange all the transactions of commerce, throw every thing into confusion, and teach men not to rely on their own exertions and those of their friends, but to trust to the unnatural and artificial course recommended on the present occasion, and which, if now adopted, would become, not the exception but the rule for future guidance (hear, hear). He did not think the case of 1793 was so precisely similar to the present case as the rt. hon. gent. seemed to consider it. Did the rt. hon. gent. attribute no importance to the remarkable changes which took place in the whole aspect of affairs on the continent and in this country between the summer of 1792 and the spring of 1793? In the summer of 1792, the universal impression (which the Government not only shared, but tended to produce) was, that if ever there was a period in our history when it was probable that the country would continue for years in a state of peace, that period had arrived. What happened? Within a few weeks after that impression prevailed, a war broke out in Europe under circumstances quite unusual. France acquired an attitude which the wisest men (Mr. Burke amongst the rest) had thought it incompatible with her situation to assume. In a short time the situation of France involved this country in hostilities, which in their nature exceeded any in which we had before been engaged. There was no question that the great prosperity which prevailed at the commencement of 1792 must sooner or later have experienced a revulsion, but the revulsion was occasioned by an extraneous cause, and not by the extravagant speculations of individuals; and that, therefore, might be said to constitute a case in which it was proper for Government to interfere. The case of 1811 had also been referred to. Although that case (like the one of 1793), as to the intensity of the distress, and the particular mode of its operation, might be said to resemble the present case, yet the circumstances which had produced the former were as unlike as possible to those which had brought about the latter. The distress of 1811 was not occasioned by general speculation and over-trading, though he admitted it was partly produced by over-trading in one particular branch of commerce, which arose out of the peculiar circumstances of the war. By the anti-commercial decrees of Buonaparte (provoked, it might be, by the retaliatory measures of the English Government) all the channels of trade between this country and the continent were dammed up. It was not surprising that under those circumstances persons engaged in mercantile speculations should avail themselves too eagerly of the sudden opening of trade with South America. The distress of 1811, then, resulted from over-trading with South America, occasioned by the peculiar situation of hostilities. The circumstances of that case, therefore, were very different from those of the case now under consideration, and that diversity of circumstances was with him an additional reason for not following one bad example, and setting another. It was the duty of parliament to abstain from entering a vicious circle, from which they would never escape till they were strangled.



in its folds. If it were right to adopt the course recommended on the present occasion, then, upon every principle of fair dealing and justice, Government ought to have done exactly the same thing when the landed interest was in a state of distress. A number of persons thought it desirable to do so upon that occasion. Indeed a distinct proposition was made to the house, though not adopted; that Government should adopt a similar measure to that of 1793. Ministers opposed the proposition, not only on the ground of the difficulty of carrying it into execution, but on principle; yet in point of fact, the agricultural interest had at that time just the same claim to the assistance of the Government as could be set up by any part of the community at the present moment. He knew not why, if parliament yielded now, they should not have done the same in the case of agricultural distress. In another case, with regard to Ireland, a similar proposition was made to parliament. It was moved that Government should advance £1,000,000, to be employed in the encouragement of the cultivation of flax, and the draining of bogs in Ireland. There could be no doubt that the advance of money would have been immediately beneficial to Ireland, and would have served for a precedent to be brought to bear upon the present argument; but parliament wisely abstained from establishing it. It could not be said that the distress which existed in Ireland at that period was not equal to that which now prevailed in this country. Ireland had just recovered from a desolating famine, which had swept away thousands of her inhabitants, and covered the land with mourning; all her banking establishments were broken up, or in a state of embarrassment, and yet parliament did not think proper to adopt the remedy now proposed, because they considered that it was likely to produce the evil of rendering Government liable to be called upon on every occasion of distress to act as bankers and pawnbrokers (hear, hear). To refer to another case: in 1823, a most important branch of our commerce, namely, the West India trade, was in a state of great distress. The circumstances of that case, as related at the period, were precisely similar to those of the present time. It was said upon that occasion that the planters possessed sufficient property to answer all demands; but that, nevertheless, merchants would not advance them any money, because they were not satisfied with the security of the planters' property. And to what was this doubt attributed? Partly to the anomalous nature of society in the West India islands, and partly—he begged the attention of the house to the fact—to the measures adopted by that house on the subject of negro slavery. The grounds upon which Government was then called upon to advance 5,000,000*l.* to assist the West India interest, were quite as strong as those upon which they were at present urged to advance a similar sum to the commercial interest; but parliament, conceiving that it would be setting a bad example, to be followed on some future occasion, rejected the proposition. No one could be found to defend the proceeding in question *per se*. It was admitted that it should be resorted to only in a case of necessity (hear, hear). If there was any one power which it was the duty of Government to be cautious in assuming, it was that of advancing money in what might be considered cases of

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necessity. The temptations to abuse such a power were so great, that he should not like to be answerable for the consequences which might ensue if parliament should be too facile in admitting the propriety of establishing it. Supposing that Government had lent the 4,000,000*l.* which were asked for the relief of the agricultural interest in 1822, the 1,000,000*l.* for Ireland in 1823, the 5,000,000*l.* for the West India interest, in addition to the 5,000,000*l.* which were now called for, they would have advanced no less than 15,000,000*l.* in the course of four years. Would any body say that such a course of proceeding was not dangerous; and that it was not a misfortune that the original precedent of 1793 existed (hear, hear)? It was impossible to confine a measure of the kind under consideration to any particular case. Each case was represented to possess particular claims upon the attention of Government. The best feelings of men's nature were appealed to in order to induce them to follow the course which had been adopted in 1793, and which, if now resorted to, could never be refused to the application of any particular interest which might conceive itself to be, or might actually be, in a state of suffering. The *rt. hon. gent.* (Mr. Tierney) seemed to think that, in point of principle, there was no difference between the Bank lending money on goods, and the same thing being done by Government. Government had not by law the power of lending money upon goods. A special law must therefore be passed, in order to give them that power. The Bank, however, already possessed the power; it was coeval with their original institution, and though never exercised, had, on every renewal of their charter, continued to form an inherent part of it. There was, therefore, in his opinion, the greatest distinction between the two cases. The absence of this power on the part of the Government was an indication that it was not congenial with their functions, and its possession on the part of the Bank was a proof that in the opinion of parliament it might be wise and prudent, under particular circumstances, for that body to exercise it. The exercise of that power by the Bank must of course depend on circumstances. It would not be prudent to bring it into action on all occasions, but periods might arrive when it would be highly useful to do so. It never could be supposed that it would be prudent for the Bank to act on all occasions as they did in December last. Their conduct on that occasion was justified only by the circumstances of the period.—With respect to the proposition of an issue of Exchequer-bills by Government, supposing that Government were to adopt that measure, would the Bank have nothing to do with it? Had they nothing to do with the measure of 1793? How would the bills be converted into money? The Bank would cash them. The *rt. hon. gent.* had assumed that only a small portion of the bills would be carried to the Bank, and that the rest would be cashed in other quarters; but he had no right to make that assumption, any more than that it would be necessary to issue only 1,000,000*l.* out of the 5,000,000*l.* which it was proposed to place at the disposal of commissioners. He (the Chancellor of the Exchequer) was bound to look at the measure under the most unfavourable circumstances. He would therefore suppose that the whole amount of Exchequer-bills would be issued. The Bank might be called upon to

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cash those bills under circumstances which would render it inconsistent with their duty to do so. The Bank, who were necessarily well acquainted with all the variations of exchanges, would contract and extend their issues as circumstances might require. A set of commissioners would not be governed by the same prudential reasons which would influence the Bank, and might issue bills at a moment when the Bank would feel it to be inconsistent with their duty to cash them. If such a case should occur, the mischief would be ten thousand times greater than at present. If these bills were not taken up by somebody, they would add to the already loaded state of the market of Exchequer-bills. He would then like to know how the revenue would feel the excessive issue of these bills, which, when they fell to a discount, might be paid at par into the Treasury, which would then be less able to meet the wants of the country.—The *rt. hon. gent.* had spoken of secrecy: when he (the Chancellor of the Exchequer) came to discuss the subject of rendering assistance, he found persons who said that when all experienced difficulty, there could be no discredit in going to the Bank of England, or any where, to procure loans of money on goods; for there was no credit asked; the parties offered goods as a pledge. He could not for the life of him conceive why persons should be afraid of being known, or require secrecy: they might go with a bold and confident face and ask for advances. Some persons had talked of commissioners being, on a former occasion, bound by an oath of secrecy: not one word of this was true. They took an oath of office, indeed, but not an oath of secrecy. The commissioners of 1793, who were sixteen in number, consisted (with the exception of Lord Sheffield and Sir Grey Cooper) of merchants, and a few of them were Bank directors; and why were we to assume that Bank directors would avail themselves of their situation, and publish sinister rumours to the prejudice of applicants? How happened it that persons, when distressed, did ever go to the Bank? The Bank did, as they were bound to do, look into the securities offered; whether the pledges were goods or bills of exchange, they must be satisfied, by previous inquiry, that they could safely trust to them. The argument as to secrecy, therefore, had no validity whatsoever.—The *rt. hon. gent.* conceived that ministers were bound to take this course of giving relief, because the measures taken at the commencement of the session, of which he was a supporter, had imposed upon them the duty of relieving the evil thereby created. But this proposition had been made previous to the session. Ministers threw cold water upon it, as they now did, because they conceived that the measures would lead to dangerous consequences; and were they to be reproached because they endeavoured to find out some better expedient? They were to choose between two measures, one liable to insuperable objections, the other to but few objections. It was not, therefore, a matter of reproach to them that they refused the former, and acceded to the latter, which they thought reasonable. The *rt. hon. gent.* complained that they had used no language of a cheering nature. When Government did so, it was vehemently reproached for drawing a highly-coloured picture of things; and if ministers had treated the matter lightly, as if the distress was nothing at all, they would have

experienced more censure than the *rt. hon. gent.* had bestowed, and with justice. He (the Chancellor of the Exchequer) never wished to undervalue the present difficulties, and one reason for it was, that he wished to show that the greatness of those difficulties resulted from particular evils. It was the duty of ministers to impress upon the house the real causes of the difficulties, and those which they were to avoid. He (the Chancellor of the Exchequer) unquestionably concurred with the *rt. hon. gent.* with respect to his sentiments on the strength and vigour of the country. Although the leaves and branches of the tree had been shattered, its roots were firmly fixed, and they would shoot forth again with fresh beauty. If we took measures with prudence and wisdom, we should succeed, at no distant period, in weathering the storm. Although there had doubtless been much distress in different parts of the country, the house would not have to reproach itself for not taking the speediest steps to meet (cheers).

Mr. Baring observed, that the question divided itself into two parts—whether any relief at all should be afforded; and whether the relief proposed was of the proper kind. With respect to the first branch, the *right hon. gent.* had argued that the Government should not interfere, and that former precedents and former examples were vicious, and ought not to be followed. Though representations had been made only a few weeks ago to ministers on the subject, and though it was a case of such urgency, that it might truly be said *bis dat qui cito dat*, ministers persisted in their refusal. Under all the circumstances of the case, and in spite of intercessions, such was their adherence to strict and pure principles, that the only answer they gave was, that the interference of Government was a bad principle. The *right hon. gent.* had said to-night that he was against granting relief at all; yet he forced the Bank to do what the Bank directors wished to avoid; they begged and prayed of Government to adopt the course prescribed by precedents on record. As to the non-interference of Government on all occasions, and the expediency of setting a precedent, not following one, the *right hon. gent.* had certainly deserted the practice of Mr. Pitt, for this was one of the precedents of that extraordinary man. But it had been attempted to invalidate the precedent, by showing that the emergency was an extraordinary one; but the distress of the country made the present crisis equally extraordinary. What were the circumstances which should take the case out of the class of precedents? This was a case in which, if ever, the distress had originated with Government. The circulation had been brought into an extraordinary state. Although there was much property in the country, there was no money. One-fourth of the currency was out of circulation, and the minister knocked out the other portion; he proceeded to destroy the little portion of confidence remaining, and to make a total change in the circulation, in the midst of the most poignant distress of the country. Was not this interfering with individuals? Ministers said they should be setting a bad example; but were they not throwing an office on the Bank of England, which exhibited a worse example (hear, hear)? He (Mr. Baring) admitted that it was only a case of great emergency which could justify Government in the measure suggested; he admitted that interference with individuals was



practice "more honoured in the breach than the observance;" yet there were cases in which extensive distress sanctioned it. It was not cases of particular distress which justified the measure, but only where the distress was universal; it was not to aid a particular class of speculators, but the substantial honest traders, numbers of whom might be seen around, who, though unconnected with bubbles, were affected by them: for it was in that state of things that honest men often suffered from the folly of others. The precedent of 1793 was founded on sound sense and discretion; it extended parental aid where it was needed, and by helping confidence, was calculated to work a great benefit. Within these two or three years there had been issues of Exchequer-bills for public objects, as papers on the table would show; and it was strange that, whilst there was a glut of money in the country, Government issued Exchequer-bills under the Exchequer-bill Loan Act, and refused to do it now, when money was scarce. The question was, whether the interference of Government could be usefully applied; and if ever there was a case of that kind, it was that before the house. What was wanted was confidence between those who possessed property; and Exchequer-bills produced just the means of dealing required. The *rt. hon. gent.* had said that the Exchequer-bills would go to the Bank, and that the Bank would have to buy them. That he (Mr. Baring) denied. There never was a time in which there was more capital in the country. He (Mr. Baring) could say that he had now twice as much as at many other periods; and although capitalists would not, from apprehension, advance money on goods, they would do it on bills. There was a complaint of a want of circulating medium; yet there were more Bank-notes and there was more gold in the country at present than there had been for some time past. But there prevailed a panic amongst capitalists as to the effect of the measures of Government, which made men who possessed money take care of themselves.—The *rt. hon. gent.* first said he disapproved of the plan altogether; then he sent the applicants to the Bank, who were reluctant, who at first refused, though they subsequently consented to compound. It was, nevertheless, a power which the Bank was improperly intrusted with. He (Mr. Baring) was aware that, in the present state of the foreign exchanges, the Bank might give themselves what latitude they pleased; yet a season of danger might occur. With respect to the legal authority of the Bank to advance money on goods, he (Mr. Baring) had been some years a Director of the Bank, and knew something of their concerns; and though he had read over their charter, he did not think that they were empowered to lend money on this species of security. He thought no person could read it over and maintain that it was ever intended to give them that power: it was merely a provision against the possibility of their taking goods for a doubtful debt, in order that they might have the power of sale. He was confident that the Bank solicitor would tell them so, and that it never was intended that they should be allowed to lend money on goods. It was in his (Mr. Baring's) opinion a most dangerous precedent. The *rt. hon. gent.* thought he did good by establishing sound precedents: he was departing from his principle, and doing great injury by the present precedent, in holding it to be dan-

gerous for the Government to do what they intrusted to the Bank. If this measure had been, however, acted upon before, it might have produced great benefit, and prevented much of that general disgrace which had brought many persons into the mire. He could not help declaring, that through the whole of these proceedings, the merchants had been held at arms-length by ministers in a manner that was perfectly unprecedented in the history of the country. As regarded that part of the plan which would touch upon the law of merchant and factor, he doubted the expediency too of putting forward the operation of the new bill. The new law, as the house would be aware, entitled the holder of goods to pledge them; making the possession the evidence of title. This was not the case with the old law, under which a holder of goods might take up money upon them; and yet a third person, proving himself the owner, might take them back (without repayment), provided no actual fall had taken place. Now the Lord Chancellor, with his usual dislike to novelties, had only suffered this bill—of which he (Mr. Baring) entirely approved—to pass, subject to a provision, that the world should have notice, as his lordship called it, of the change in their situation; and for that purpose, that the foreign merchant might have notice that his consignee in future could pledge the goods intrusted to him. The bill was not allowed to come into operation until October next. Now this was at least an honest provision, if it led to delay; and although he (Mr. Baring) would have originally passed the bill to operate *instantly*, he did not like, after the time of warning had been published, to run the chance of misleading people by shortening it. Nor was it at all necessary, in fact, practically to do this. When the Exchequer-bills, on a former case of emergency similar to the present, had been issued, no doubt some oath had been required from those who deposited, as to their real ownership of the property pledged; but not a shilling on that occasion had been lost, and it would be better in the same way, now, to take the hazard.—With reference, however, to the point of secrecy, which was a point of the highest importance—here he had no hesitation in saying that he should have preferred a parliamentary commission to the course proposed. The commissioners of 1793 stated in their report, that in many cases the information which came before them was such as to lay open the private affairs of most respectable individuals. On this account they had taken the precaution, before their duties concluded, that every paper connected with the business which they had been transacting should be destroyed. Now, on this very showing, he should decidedly have preferred another parliamentary commission. The Bank directors, whom people would have to confide in, were, no doubt, men of the strictest honour; but then they were the very men whom these borrowers would most likely be in constant mercantile communications with at the time when they wanted this assistance; and the very last, therefore, whom they would choose to trust.—Though the mercantile world had little to thank Government for in the present measure, he (Mr. Baring) was glad at least to find that something would be done. At the same time, he must repeat that ministers had hung back from the mercantile interest in a way which would not be forgotten. The value of the boon was much diminished by the way in which it had



been granted; and the assistance, after all, such as it was, was given in the shape of all others which was the most inconvenient.

Lord *Althorpe* concurred with his Majesty's ministers in their measures for the alteration of the currency; but thought that they would have done better if they had set out by providing some relief for the immediate distress.

Mr. *T. Wilson* thought that ministers were bound in mere courtesy to parliament to assign some reason beyond their personal pleasure, why the plan now under discussion was preferred to that which had been recommended to them. For the measure which had been suggested, there was at least a precedent to allege, and he still believed that it would have turned out the most advantageous as well as the most satisfactory to the country. It was said that there could be no difference between borrowing money upon bills of exchange, and borrowing it upon goods, especially as the time for which the accommodation was wanted would not exceed a few months; but he doubted very much whether any man of business could be found who would declare that he thought any such limited extent of accommodation likely to be sufficient. Gentlemen coming up on the spur from the country, and applying to the Bank for relief, might be glad to take it for any period, and on any terms they could get; and such persons might have talked of a few months' time being sufficient, but certainly no one else could. For what was said to justify the dislike of ministers now to assist the mercantile interest, viz. that relief had been refused some years since to the distress of the agriculturists—that argument had no force whatever; for the relief to agriculture, though nominally refused, was virtually granted. It was true that advances were not made by the Government; but the measure was passed, empowering the country banks to issue small notes, which had exactly the same operation. As it seemed to him, the precedent of allowing merchants to go to the Bank to borrow money upon goods, was likely to be a repetition of such applications at a future time, in such a way as would be highly inconvenient. Merchants would go to the Bank, when the custom was once established, upon any or every occasion which might seem to their own views to justify such a measure; whereas they could not have the face to make application to Government, unless in some case of great and general national distress.—He could not sit down, without protesting against the tone in which ministers had treated both the applicants for relief in the course of the measures now pending, and Parliament in general. In a case of general calamity, like that in which the country had been placed, as servants of the Crown, and standing immediately between the sufferers and Parliament, they might have shown more judgment in listening patiently even to the weakest of the various propositions brought before them, than by declaring, highly and hastily as they had done, that if the house adopted any measure but that to which they inclined, it might seek for some other persons to carry that measure into execution.

Mr. *Attwood* :—Of the two modes of giving relief, that by the course proposed, and that by an issue of Exchequer-bills, his opinion was in favour of the latter, as a course which had been tried and found successful. As to the pro-

priety generally of giving the relief demanded, there could not be a moment's hesitation. The request came from the whole commercial body, and it asked nothing of Government which it was not the province of Government to perform; it asked only that the channels of communication—the means of dealing between man and man—should be opened.

Mr. *W. Whitmore* believed that a fair arrangement of the currency of the country would do far more for the general benefit than the measure proposed; but, as relief was to be given, he thought it would be much better given by advances from the Bank than by an issue of Exchequer-bills. With reference to the conduct of ministers, the hon. member (Mr. *T. Wilson*) found fault with their steady adherence to the line which they had adopted; but he (Mr. *Whitmore*) could not see the subject in that light: he gave them credit for their steadiness, and thought that nothing but mischief could have resulted from vacillation. Ministers ought not to be such mere creatures of circumstances as to veer round with every breath of popular opinion. Let them steadily pursue the line of conduct which they had pledged themselves to support,—let them trust to their own good sense, and they would find that the difficulties which were now complained of would speedily pass away. Nothing which he had heard ought to deter Government from pursuing those just grounds of policy which they had declared it to be their determination to uphold. He implored gentlemen to weigh well the probable effect of the votes which they meant to give on the momentous subjects that had been recently brought under their consideration. He had no connexion with ministers, and most probably he never should have any connexion with them; therefore, he must at least be supposed to speak disinterestedly. In his opinion, the doctrines which they appeared anxious to pursue were calculated to improve the resources of the country. Those doctrines would lead to a just and proper development of our means; they would, if fairly followed up, produce the greatest possible benefit to the empire, by bringing back its resources to that high state of prosperity which formerly distinguished them. Impressed with these sentiments, he called on the house and the country not lightly to withdraw from ministers that confidence which had hitherto been so generally and so justly bestowed on them. He trusted that gentlemen would still continue to grant that support to ministers, by which alone they could hope to carry into effect those comprehensive measures, which, he was convinced, would in the end produce the most excellent results (hear, hear).

Mr. *P. Moore* said, that, amongst other things, they were told that 25,000,000*l.* of money had been sent out of the country on foreign speculations. That was all falsehood. The 25,000,000*l.* was still in the country, and, what was more, would not go away (laughter). Much of the present mischief had arisen from the system which had been pursued, of pointing out one speculation as good, and decrying another as bad, without possessing a knowledge on the subject; thus inflicting injury on one set of people, and heaping benefits on another, without duly considering the merits of any one case. That cursed, that abominable thing, called a hoax (a laugh)—(and he was



ny that such things were going forty hour,) had contributed in an im- agree to produce the present unfor- state of affairs. Many proofs of this is found in the public papers. He ined the subject deeply; he under- ell. He felt severely from the system y, of vice, and of falsehood, which on the Stock Exchange. They it nothing which appeared likely to he execution of their plans. That is a pandemonium of falsehood, ready ar the Government in its proceedings, art every transaction amongst honest pter). If, in the ordinary course of he wanted to buy or sell stock, he ere to go to a domestic broker k. Ay, he knew a great many of ighter), and his friends about him any as he did (laughter). He spoke, rious description, exclusively of those ho possessed what was called the of the Stock Exchange. A man must to have been connected with certain as before he was eligible to be ad- ere. If he obtruded himself "an test," he was hooted out, drummed ped out, kicked out (much laughter). it was a complete field for gambling. ; of this kind—gambling on an exten- —was attempted at this end of the at the worthy magistrates of Bow- na put an end to it; they had all the (laughter), and the wholesome disci- the tread-mill wrought an effectual ighter). His hon. friend (Alderman ad the other city magistrates were, he rather tardy in not interfering with the he had mentioned; but let them place . Moore) in the situation of Lord auch laughter), and he would very rid of the evil. He would say, that ling and swindling which prevailed at Exchange was infinitely worse than h had been practised at Pall-Mall, tbe put down just as easily.—In con- e called on the house to grant that re- e operative classes, which on former had been extended to individuals a higher sphere. He would now say, l said on a former occasion, "What- do, spare the people, and protect their ent."

lice said, in reply, that the present things was entirely owing to the plans era. In 1822, a large issue of paper ved to meet the agricultural distress. ent was then enabled to reduce the n the 5 per cents. There appeared to y of money in the country; indivi- shed to procure a higher rate of in- n the funds provided, and they had, uence, recourse to speculation. In- encouraging a large issue of paper thought it would be better to grant re- country through the medium of Ex- ills. If the circulating medium were creased, what would be the effect? great rise in prices, that would de- the circulating medium was nar- ned in what situation would the country placed? He had hoped that the pre- necture would have produced some e disagreement between the Govern- the Bank (hear); and he was sorry the l not forced the Government, as they

might have done, to have abandoned their pre- sent course.

The motion was then agreed to.

### *Promissory Note Bill.*

On the order of the day for bringing up the report of this bill,

Mr. J. Smith observed, that he must repeat what he had before said, that Government, by bringing this subject before the country as they had done, had created much danger, which they might have avoided, by adopting the more prudent course of previous consideration and inquiry. The evil was said, in the first instance, to have arisen from the speculation which the issues of the private bankers were alleged to have encouraged; and the existing, as well as the apprehended mischief, was now traced to the circumstances of the country bankers paying off their notes, and thus narrowing the circulating medium. One hon. member, not content with what the country bankers were doing, and what they were compelled to do, was desirous that they should be made to pay their notes in a week; without considering, however solvent they might be, whether the Bank of England would be able to supply the demand for specie. He considered the attacks that had been made on the country banks, generally, as unfair and unworthy. After all that had been said of them, the country bankers had done much good (hear, hear).

Mr. F. Palmer rose to express his strong dis- approbation of the measure before the house. It was, in his mind, ill-timed, injudicious, and likely to bring most serious distress on the country. If the expences of the country were not reduced, there could be no safe return to a metallic currency. To attempt one without the other, would bring upon agriculture the severest distress, and then they must come to an amicable or equitable adjustment. He was no friend to high prices. He knew that the manu- facturing interests could not exist with high prices, much less could any natural competition be successful under them. But he knew also, that if corn were not kept up to a certain price, starvation must ensue amongst the agri- cultural classes. Here, then, was the difficulty—they must have low prices for the manufac- turers, and high prices for the other classes. Under these circumstances they were not jus- tified in the unbounded extravagance of the expenditure.—The interest of the debt and the expenses of Government could not be paid at their present grievous amount in a circulation of increased value. He did not see the justice of raising the value of the currency, while the burden of the debt should remain. If the cre- ditor had a right to be paid in full, (a right which had been insisted on in no very measured or civil terms,) at least he could not claim to be paid in an advanced currency. It was the grossest injustice to the borrower to compel him to pay in a metallic currency that which had been borrowed in paper money, 28s. of which went to the value of a guinea.

The report was then brought up; and after several amendments had been agreed to, the bill was ordered to be re-printed.

MONDAY, MARCH 6.—Mr. Hume presented a petition from William Martin, a grocer at



Sevenoaks, who stated that he had tendered eighteen 11. notes and two 51. notes to a banker at Sevenoaks, by whom they had been issued, and demanded their amount to be paid to him in the current coin of the realm. The banker refused to pay him gold, but gave him 281. in Bank of England notes, retaining his own local notes. The petitioner applied to a justice of the peace, who told him that he had no power to procure restitution of the country notes. The next day the banker sent him 28 sovereigns, and offered to exchange them for the Bank of England notes which had been given to him on the day before, but these the petitioner refused to accept. He (Mr. Hume) had ascertained the truth of this statement, which the banker did not deny; and although it was an ill-natured proceeding on the part of the petitioner, he (Mr. Hume) could not but agree with his prayer that some security might be provided by the house against the recurrence of such accidents. The petition was ordered to be printed.

TUESDAY, MARCH 7.—The *Chancellor of the Exchequer* moved the third reading of the *Promissory Notes Bill*.

Lord A. Hamilton said that he would support the measure, not because he thought it the best that might have been proposed, but because it would, imperfect as it was, tend in some degree to amend the defects of the present system of country banking.

Mr. Hume moved a clause, requiring country bankers to make monthly returns of their notes in circulation, to be published at the discretion of the Treasury.

Mr. Hobhouse seconded the motion. We had now, he said, no certain criteria of the issues of the country bankers, and unless this proposition were adopted, we could have no means of ascertaining the amount of the paper-currency.

The *Chancellor of the Exchequer* repeated his objections to the clause.

Mr. Pearse said, that so long as Bank notes were liable to be paid in gold, there was a sufficient restriction on the issues of Bank paper. There could therefore be no rational grounds for the fears which some gentlemen entertained of an excessive issue.

Mr. Alderman Heygate thought Government might authorize an issue of notes on the security of the state; and such a circulation, if well arranged, might be better than gold.

The house then divided, when the numbers were—

For the Amendment, 24—Against it, 143—Majority, 119.

Mr. Hume then moved a clause, giving remedy by summary process against country bankers refusing to pay their notes in gold.

Mr. J. Smith said, that a 11. note might be protested for non-payment, as regularly as a bill of exchange; and the cost of that first step—which the banker would be liable to pay—would be 22s. This he thought was an ample security against the consequences of a refusal to pay in gold.

Colonel Johnson observed, that the remedy of the hon. member was inefficient. The banker might be liable to pay 22s. for protest, but the labourer must pay it upon the spot—and where was he to get it?

The clause was negatived without a division.

The bill was then read the third time and passed.

LORDS, TUESDAY, MARCH 14.—The Marquis of Lansdowne presented a petition in favour of the bill of which the noble lord (Liverpool) was about to propose the second reading (the *Promissory Notes bill*) from the President, Vice-President, and members of the Chamber of Commerce in Manchester. An attempt had been made some time ago to introduce a small-paper currency into that town, but the exertions of the inhabitants had been able to overcome the efforts which had been made for that purpose. They had had the means of comparing the advantages of a metallic and paper currency; and the result which they had been enabled to arrive at, induced them to give a preference to a metallic currency over that of small notes.

The Earl of Lauderdale:—The petitioners alleged that they had no local notes of 11. and 21. in Manchester; it was true that no local notes of that amount were issued there; but he would undertake to say that the circulation of Manchester and its neighbourhood for nine miles around, was almost wholly made up of those notes. He held in his hand a parcel of notes which he had received from within 12 miles of Manchester, comprising specimens of five different bankers' notes, which almost wholly constituted the currency in circulation in Manchester.

The Earl of Liverpool said, in confirmation of what had been stated in the petition, that having had an interview, within the last few days, with a deputation from Manchester, consisting of most respectable merchants, they denied that any great part of the circulation there consisted of 11. notes; they complained that attempts had been made by neighbouring banks to introduce the circulation of 11. notes in Manchester; but it had been discountenanced by the merchants, and had consequently failed. What had been stated by the noble earl (Lauderdale) was an argument in favour of the measure now before the house; for it showed that if a paper currency were suffered to exist in one part of the country, it would be difficult to prevent it from finding its way into the other parts where it was not wanted.

The Earl of Liverpool having moved the second reading of the *Promissory Notes bill*, observed, that it was not his intention to enter into any statements upon this occasion; because, when he brought forward the other measures, relating to the Bank charter, he put their lordships in possession of the whole system which Government had thought it advisable to adopt with respect to this subject. The object of this bill was to extinguish the circulation of notes under 51. in England. It was the opinion of Government, that the principle ought to be extended to Ireland and Scotland; and he now apprized their lordships that it was his intention to move on Friday next for the appointment of a committee to inquire into the present banking systems of Ireland and Scotland.

The Earl of Caernarvon objected to the whole of this measure; first, on account of the time at which it was introduced; next, on account of the circumstances under which it was brought forward; and thirdly, on the abstract principle



er-currency, founded on a metallic the best and safest for the country. objected to it, because this measure red by ministers as a means to pre- occurrence of such crises as that which y had lately suffered, and still conti- endure, convinced as he was that it ound wholly inoperative for that pur- was therefore his determination to give ion a decided negative. If the mea- professed to afford relief to the pres- of the country, he should, perhaps, ated before he offered any opposition when it was admitted that it would relief at present, and was hastily orward without inquiry, not for the meeting the existing evil but to pre- uence of it in future, the case was forest. There was no sort of propo- which he should be more jealous than ing to establish general regulations in moments of crisis; for there was e of their receiving, at such periods, e of cool and dispassionate consider- ch it was most important that they elve.. With respect to the object of which was not to be effected for three contended that if the thing was to be all, it had better be done at once; the effect would be similar to that of the e measure of 1819, when they came sation of paying a paper debt, ac- the old standard; which, instead of ct of justice, was one of the grossest and impolicy. The committee in gestions that measure had originated, n that we ought to return to a metallic; and now, upon the occasion of the e taking place, without waiting an must forthwith have recourse to this, important measure that could be ap- e country. The noble earl (Liver- calculated that not more than from L. to 8,000,000l. of gold would be ne- replace the paper which he proposed w from circulation. Now that calcu- y applied to England; how much, would be required for Ireland and he could not say, but he did not think an 10,000,000l. or 12,000,000l. would red altogether. Now this 10 or 11. must be withdrawn from the pro- apital of the country; and if the interest of that sum for the next 40 rs were calculated, it would be seen nsiderable diminution would be thus in what would otherwise have then amount of the national capital. That s a cheaper currency than gold, the would not contradict: then came the was it as safe a one? For an answer cation, he referred the noble earl to

It was impossible to look to the at country, which for 40 years had no y than paper, without being con- the safety of such a circulation when pon a proper system of banking. The stem of banks in Scotland had existed ds of a century, during which period, ad made the greatest progress in the nt of wealth. What was the differ- een the currencies of Scotland and

Was it only that they had no metal- cy there? No, but they had chartered while the banks in England were

formed upon a very different system. No man would defend the circulation of the 11. and 21. notes which issued from such banks as these. The people of Manchester had made compari- sons, not between a sovereign and a chartered bank-note, but between a sovereign and the note of one of those banks established upon the perishable system of banking which existed in this country.—Ministers ought, before they adopted a measure like the present, to have re- commended the Bank of England to sacrifice a portion of the privileges of their charter, and permit the formation of chartered banks.—He then contended that the distress had been produced by excessive trading and speculation, originating from causes wholly unconnected with the cir- culation of paper. At the time of the South Sea bubble, we had no small paper currency. In 1783, we had none, and the pressure was at that period greater than at present. In 1793 the case was the same; although it was the fashion to attribute the state of the country at that time to the war. Thus it was clear that there were no grounds for necessarily imputing the distress to the state of the currency.—The noble earl had intimated his intention of impart- ing to Scotland the blessings of his proposed system; but he ought first to consider whether it would not be better to place the system of the currency in this country upon the same footing as that of Scotland, under which she had been exempt from all the evils which England had endured. He ought to consider whether, by tracing cause and effect, he might not discov- er that it was that system which had so exempted Scotland from those evils, and find it a wiser measure to assimilate our own system to hers, thus proved by experience, instead of forcing upon her the application of our fine theory of 1819, or any theory at all. There were no grounds for presuming that a paper currency so established would not produce the same be- neficial consequences here as in Scotland; and it would, therefore, be much wiser to adopt that than have recourse to another, which, the very moment it was introduced, had produced a degree of distress that obliged its authors to relax it, even pending its progress through the house. He did not know whether the Scotch banks had received any assistance or not from the Bank of England during the recent pres- sure; but whether they had been enabled to weather the storm with or without such assis- tance, it equally proved their stability; for if the Bank had afforded them any aid, it showed that they possessed a degree of credit which the banks in England could not obtain.—He would now allude to some circumstances connected with the currency when the small notes were not in circulation, and nothing but the "genuine currency," as it was termed, prevailed. In addition to the loss to which a man was exposed by taking bad gold, he also suffered from clipping and sweating, and other processes, by which the value of guineas was reduced. He remem- bered, that when he took four or five guineas from his pocket, they were all weighed and rung before they would be taken, and he was generally obliged to change the greater part of them. When paper was introduced, the great- est convenience was experienced. There was no longer any necessity for weighing. If their circulation were limited in point of ex- tent, forgery would soon be detected. The



11. and 21. notes of the Bank of England were liable to forgery because of their extensive circulation; but that objection did not apply to local notes. Another objection to a metallic currency was, that it produced a greater number of robberies. At the period to which he had before referred, robberies were extremely numerous. He remembered a friend of his own who had been robbed on the highway; another had been wounded by a shot fired at him by a footpad, and a third had narrowly escaped with his life by seizing the muzzle of the pistol which the robber had thrust into his carriage, and wresting it out of his hand. Since the introduction of bank-notes, this description of robberies had greatly diminished. The note was numbered; it had the name of the person upon it to whom it belonged, and it furnished evidence to convict the criminal. It was in every respect a more dangerous property to a robber than a sovereign. He remembered when the transition took place from paper to gold, every body preferred notes for their greater convenience to sovereigns, although we were now apt to forget all those circumstances.—Another objection which he felt to this measure was, that the small notes (notwithstanding all that had been said about their having caused over-trading) had contributed much more to the upholding and propping up of the agricultural interests than to the encouraging of any wild speculations.—The noble lord then went into some calculations, for the purpose of showing that the excess of paper issues, during the recent period of speculations, had been much too trifling to afford any pretext for ascribing to it the disasters which were now oppressing the country. As to the argument that the poor were likely to be sufferers by the issue of the 11. and 21. notes being permitted to continue, he thought they were much more likely to be injured by their suppression, inasmuch as that measure must necessarily cause a very considerable portion of the labouring poor to be thrown out of employment.—For these reasons he should propose, by way of amendment, that “the bill be read this day six months.”

The Earl of *Darnley*:—His noble friend had somewhat misconceived the reason why highway robberies had become less frequent of late than formerly. It could not be owing, as he had supposed, to the want of a metallic currency, because, in point of fact, that species of currency had been in general use, at least in the neighbourhood of London, for these last four or five years, and still scarcely any instances of highway-robbery had occurred during that period. And as to the argument, that the suppression of a paper currency would be likely to cause great inconvenience, and throw considerable difficulties in the way of carrying on mercantile transactions, it should be recollected, that in Liverpool and Manchester, which were well known to be places of very extensive trade, a metallic currency had for some time prevailed, and had not been found to produce any of the difficulties which were apprehended. He thought that ministers, by putting an end to the fabrication of paper money, would do their duty to the country, and protect the interests of the poor.

The Earl of *Liverpool* could assure their lordships that he had not been influenced in his conduct on this occasion by any attachment to particular views.—To begin with one of the points, about which discussion had arisen, he

was convinced that if he had ever rendered any little service to the country, he had never rendered it a greater one than in resolutely resisting the recent applications which had been made to Government for an issue of Exchequer-bills. If these applications had been now acceded to, upon any future occasion, when any distress had arisen, relief would have been demanded as a matter of right from the public treasury. He could not but regard the precedent of 1793 as a most unfortunate one, and one which it would have been most highly impolitic to have followed in the present emergency; for the distress which now prevailed could not be said to have occurred by the hand of God: there had been no bad harvest or other similar cause for it; but it was allowed on all hands that over-trading had been the primary cause of the mischief. But he not only objected to the principle of Government interfering in this matter, but he felt persuaded that if the relief had been afforded by Government, instead of by the Bank, it would have been as different as possible in its practical effects,—the assistance would have got into totally different hands. The secrecy with which this relief would have been administered if it had proceeded from the Government, and which was the great inducement with many for desiring that it should have come from that quarter, was with him the principal objection to its being afforded in that way; this very secrecy would have a manifest tendency to encourage speculation. If relief was to be given, it was most desirable that the names of the applicants for it should be generally known. He had put the question to the great deputation from Manchester—whether they wished for secrecy; and their answer was, no; they were ready to accept the relief in any way it might be tendered. There could be no objection to the great bank of the country coming forward, and giving that relief which by its charter and by-laws it was enabled to do; and if it met with any difficulty in effecting this, then let the Government do what it had done towards the removing of that difficulty; besides, if Government ought to afford this relief to one interest, it ought to afford it to all: the proper policy was to afford it to none, at least except where the exigency was such as no human foresight could foresee or guard against.—As to the objection that this bill would not have the effect of doing away with all wild speculation or over-trading, it was never imagined that these evils could be entirely remedied by this measure alone. It must, in order completely to effect this, be accompanied by other measures, one of which must be the introduction of a more sound system of banking; and although, owing to the monopoly of the Bank of England, this system could not just at present be rendered quite so perfect as it might be after 1833, still this was no reason why we should not now make as much improvement in the system as it was capable of receiving under existing circumstances. The extinction of 11. and 21. notes would at any rate operate as a very considerable check upon wild and speculative projects. In all the deputations which he had seen of the more substantial country bankers, they had made no objection to the extinction of the 11. and 21. notes, but had declared universally that they would quite as soon be without them; but this had not been the case with the lesser bankers: to this class the



small notes were a principal source of profit; consequently this bill was calculated to do away with the lesser banks, the existence of which had a considerable effect in rendering the whole banking system insecure.—It had also been objected that the paper currency could not be withdrawn without great inconvenience. But the fact that in London, Manchester, and, indeed, through the whole of Lancashire, a metallic currency had prevailed for the last three or four years, without creating any obstruction to trade, completely refuted this objection, especially when it was considered that the customs of London and Liverpool were three-fourths of the customs of the whole kingdom, and that the customs of Liverpool were equal to those of all England, with the exception of London, and that the excise of London and Liverpool was three-fifths of the excise of the whole kingdom.—As to the objection that the agricultural interests would be affected by this bill, he would remind their lordships, that until 1797 we had done with a metallic currency without sustaining any inconvenience; and when it was considered that we should get rid of the losses and fluctuations in the value of property, which must always be attendant on a paper currency, it seemed to him that the balance of advantages preponderated much in favour of the present measure. We were not trying new experiments,—we were only reverting to the state of things which existed previously to 1797; and if the 11. and 21. notes had not wholly caused the present distress, in his opinion they had most materially aggravated it.

The Earl of Lauderdale entreated the Government, when so much misunderstanding prevailed, when so general a want of confidence was felt, not to seize upon so unfavourable a moment for effecting an important change in the old institutions of a country which had long thrived well under them. Let the noble earl recollect the road which he had to travel,—let him bear in mind his own recent declarations, that the crisis was past, that industry had returned to its usual channels of circulation, and let him compare these declarations with subsequent facts, which not only demonstrated that the danger was not past, but that the most alarming apprehensions still prevailed. But the noble earl seemed to think himself right, because the foreign exchanges had become favourable. He had on former occasions exhausted the topic of the exchanges, and shown that there were many causes, besides a depreciation of the circulation which could turn them against a country—the balance of trade, the balance of payments being against a country, would produce this effect. But it should be always recollected, that the exchanges never could run against a country to a greater extent than the relative expense of the conveyance of gold from one place to the other, including, of course, the amount of agency and insurance. If their lordships would examine the papers on their table, they would see that the exchanges had never shown a depreciation of the currency; nor could they so long as the paper medium was convertible into gold. He repeated, in the strongest terms, his condemnation of the time taken by Government for effecting the proposed change, believing as he did that the experiment would greatly aggravate all the previously existing evils.

The bill was then read a second time.

Sess. 1826.

### Fluctuations in the Currency.

COMMONS.—Mr. Hume presented a petition from Charles Andrew Thompson, complaining that he had been deprived of a large fortune by the measures adopted by the legislature with respect to the currency. The petition contained the following passage:—"Your petitioner is ready to prove at the bar of your honourable house, that the whole of his losses have been directly and entirely occasioned by direct acts of the Government or the legislature, which have swept away his property as with a whirlwind; against which no human wisdom, or precaution of your humble petitioner, could by any possibility have guarded. In the first instance, nearly a fourth of his whole property was swept away by the measures of the Government, in declaring war in 1793, which reduced his 300,000*l.* consols, from their selling price of 92*l.* to the selling price of 60*l.* In the second instance, his remaining 180,000*l.* was rendered, in effect, worth only 90,000*l.* by the depreciation of the currency, consequent upon the Bank restriction act. After submitting to these heavy losses with patience for near twenty years, another sum of 60,000*l.* was confiscated by the depression of his stock of wine, consequent upon the restoration of the currency, which was attempted on the return of peace. And now, by the legislative act for restoring the value of money to a level with the ancient standard, or beyond it, the whole of your petitioner's remaining property is seized; and your petitioner is left to earn a precarious bread, by means and sacrifices to which the habits of fifty years have but ill-accommodated his mind." The petition concluded by praying that the Parliament would adopt measures for ensuring an equitable adjustment of claims between debtor and creditor, whereby the latter should receive no more than he had really lent to the former.—The hon. member stated, that though he deplored the case of the petitioner, and pitied his misfortunes, he thought Parliament could afford him no relief.

The petition was ordered to lie on the table.

### Forgery of Bank Notes.

TUESDAY, MARCH 21.—Mr. Grenfell begged to draw the attention of the house to the fact, that six persons had been already sentenced to death at Lancaster since the Bank had resumed its issues, for forging or uttering 11*l.* Bank of England notes. He thought it highly necessary that the Bank, under such circumstances, should take measures to render their notes more difficult of being imitated. Country bank notes were seldom or never forged, because the issuers took precautions to make their imitation a matter of difficulty.

Mr. Irving said, that the Bank had appointed a committee of experiment (of which Sir W. Congreve had been a member), at the expense of nearly 80,000*l.* But the result of their attempts to form an inimitable note had proved abortive.

Sir M. W. Ridley thought the Bank notes might be improved; but under a metallic currency we should have coining—we should never get rid of the crime altogether.

Mr. Peel said that the coining was an offence far less dangerous in its extent than the forgery; the experience of the last three years sufficient.

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ly proved that fact. He believed that the Bank had gone to great expense in attempting to improve their notes; and they would certainly be inclined to check forgery as far as possible, for the expense of prosecuting was enormous. At the same time, he thought that the note might be made more difficult of imitation than it was at present.

### *Local Payment of Bank Notes.*

**LORDS, MONDAY, APRIL 10.**—The Marquis of Lansdowne rose to introduce a bill, of which the object was to make all notes payable at places different from that in which they were issued, also payable where issued.

The bill was read a first time.

**FRIDAY, APRIL 14.**—The Marquis of Lansdowne having moved the order of the day for the second reading of his bill, entitled an act for making promissory notes payable at the places where they are issued, said, that the discussion which had already taken place in the course of the present session upon another bill connected with this subject, had rendered them perfectly familiar with the grounds of his present proposition. He considered the measure important in two distinct points of view: first, with respect to the currency of the country, as it had existed in late years, and as, in a partial degree at least, it was likely to continue; and secondly, in connexion with a free competition between the different banking establishments. As to the first point, their lordships had frequently expressed their belief that a check founded on a metallic basis was the best check on the undue or excessive circulation of paper; and that being their opinion, they must wish that check to operate as speedily as possible, when occasion required it. Now he knew of no mode of bringing it into operation more speedily than that of giving every facility to persons residing in the neighbourhood of a bank, but above all to the poorer classes, on the first alarm as to the solidity of that bank, or the excessive amount of its issues, for bringing their notes to it for immediate payment; to which the public had a right, when they allowed them the privilege of making a paper-currency. If a facility of this kind had existed last year, when the alarm commenced with the banks, the salutary admonition of an early run might have caused them to narrow their issues in time, and thus have averted those dreadful calamities which had occurred. In the other view of the subject, he considered this measure equally essential. If their lordships permitted one bank to make its notes payable at a distance, whilst another bank in the same town made its notes payable where they were issued, they would place the latter in unfair competition with the former; because the moment a great demand for gold commenced, the bank which did not pay its notes there might, by collecting notes of the other bank, and presenting them for payment, pump out of the reservoir of its rival as much gold as it wanted, without drawing any from its own. It was quite plain that the practice now pursued only by some banks of making their notes payable at a distance, if not checked, must soon extend itself to all the others, and at last the whole country circulation being payable in different places from where it had been issued, the country

would be left without that standard of metallic currency which their lordships had so often stated to be the best. In Ireland the want of a measure of this kind was peculiarly felt; for while the notes of one bank there circulated for their full amount, the notes of another in the same place were at a discount, owing to the causes which he had before mentioned. He was aware that there were persons who thought that particular circumstances ought to render particular establishments an exception to the measure; and his noble friends near him were of opinion that it ought not to extend to the banks established in Scotland. He had every respect for the people of that country, but in the absence of any information on which to found an exception, he begged to propose the second reading of the bill, reserving the right to inquire whether any and what alteration ought to be made in it.

Lord Farnham foresaw a great deal both of injustice and difficulty which would be occasioned by the way in which the bill was worded. It was difficult to define what was meant by the word "issue." In Ireland branch banks had been established, and the general circulation of the south of Ireland, and a great portion of the other parts of that kingdom, were altogether Bank of Ireland notes, payable in Dublin. Now, it would be a question whether the noble lord's measure extended to the re-issue of those from the branch banks; and if it did not, it might be defeated altogether, for the bank in Dublin could take in all their notes and re-issue them. However, when the bill came into the committee, their lordships might be able to devise means more effectual for accomplishing the proposed object than at present appeared on the face of the bill.

Lord Melville said, that so far as regarded Scotland, he was satisfied, that if they altered the arrangement of the banking-system there, they would occasion the withdrawal of the branch banks. Under these circumstances, on behalf of himself and the other noble lords from that country, he claimed inquiry before their lordships decided upon this question; and he therefore hoped that the noble marquis would not refuse to defer the subject, so far as regarded Scotland, until that inquiry took place, without which it would be unfair to adopt the measure.

The Earl of Lauderdale pointed out various inconveniences and difficulties, which, he said, would arise in Ireland from the adoption of this measure. The real grievance was, that the Bank of Ireland did not give the privilege to the provincial banks of making their notes payable in Dublin. The provincial banks made their notes payable in the provinces, and the Bank of Ireland theirs in Dublin; and the latter made the provincial banks the channel of supplying themselves with gold. This was a grievance which he would be as willing to correct as his noble friend; but the measure before the house was a still greater grievance than that for which it professed to be a cure. If this bill were to pass, it would be attended with the ruin of the banks of Scotland, where it would not allow one to exist in the most populous places, except, perhaps, Glasgow and one or two others. If this act were passed into a law, the best disposed people would issue no notes; whilst those individuals for whose control alone laws ought to be framed, would act as if no such law ever existed.



The Earl of *Liverpool* thought the object contemplated by this bill a most desirable one, and he would, therefore, vote for its second reading. He was in expectation of receiving important information on the subject next week; and the discussion and alterations which the bill relating to provincial banks was undergoing in the other House, might also throw additional light on it. Under these circumstances, he would suggest that the motion for referring it to a committee be fixed for Tuesday week.

The bill was then read a second time, and ordered to be committed on Tuesday se'nnight.

### *Bank Charter Bill.*

COMMONS.—On the motion that the house resolve itself into a committee for the further considering the report of this bill,

Mr. *H. Gurney* said, that the power of establishing joint stock banks would give rise to a system of speculation, which would, in the end, be found highly injurious. It was said, that by enlarging the number of partners, the banks would be on a more solid foundation, and the holders of their notes would be better secured. He would give the house one specimen of what they might expect from those "solid" joint stock company banks. He had lately seen a prospectus for a national bank, put forward by two attorneys of Broad-street, named Wilks and Verbeke. These gentlemen stated, that it was intended to have a national joint stock company with a capital of 1,000,000*l.* This as they set forth, was to be a real and not a nominal capital, and was to be subscribed for in shares of 2*l.* each (laughter). Application had been made to some distinguished members of that house for their patronage of the scheme. One application was to one of his majesty's ministers to become an honorary vice-president, and as an inducement, it was stated to him, that to hold that situation it would not be necessary for him to take any shares (laughter). He was further informed, that the duties of the station would not require any even the smallest portion of his time or attention (laughter). The duties would be all diligently performed by the directors and managers. This was, no doubt, one of the "solid" banks which the country might expect to see arise under the proposed system.—He thought it would be better to wait till the bank charter should be determined, and then place the banking system of the country on a new footing.

The Speaker then left the chair, and the house went into the committee, when

The *Chancellor of the Exchequer* said, in answer to an observation of Mr. *Pearse*, that he did not conceive that the Bank of England would be placed in any jeopardy by the new modelling of the banking system, and putting it on a more extended scale than it was on at present. It was impossible that the Bank of England could carry on all the banking concerns of the country; then if other banks must come into operation, why should the number of partners in them be limited to six? There was no magic in that particular number. That there were great defects in the act he was very ready to admit; and if the Bank could have been prevailed upon to have given greater facilities, or if the term of their privileges had expired, he should never have thought of bringing forward

this bill in its present shape; but he did not think that because the measure could not be rendered as perfect as he could have wished it, it ought to be rejected altogether.

Mr. *Monck* thought it would be advisable to postpone this measure till the Bank charter had expired, when it might have a fair trial.

Mr. *J. P. Grant* contended, that there could not be any danger of the over-issues which were apprehended on the part of the country banks, because, so long as they were compelled to pay their notes, in notes of the Bank of England, and those were payable in gold, there must be an effectual check upon too great an extension of credit in that way.—In remarking upon the clause which prohibited the chartered banks from discounting bills or issuing notes in London, he begged to ask whether it was intended that they should not have any agent or correspondent in the metropolis? If they were allowed an agent, he might, in the ordinary performance of his duties, violate the law in that respect, without any intention of offending against the provisions of the act; and he therefore thought it highly necessary that the clause should be so worded as to leave not the slightest doubt upon the subject.—He objected to the clause which prevented chartered banks from issuing notes payable in London, under the sum of 50*l.*; and to the clause by which these chartered banks were at once to be put in possession, without any act of the legislature, of a power enjoyed by no other corporation or company in the kingdom, unless under the authority of an act of parliament—he meant the right to sue and be sued in the name of their manager or director.

On the clause prohibiting discounts in London by the joint stock companies,

Mr. *Hudson Gurney* asked if it was intended under this clause, that the members of these companies should not employ their capital, if they chose, in the purchase of bills in London through the means of their agents, or that they might not re-discount bills which they had already given cash for?

The *Attorney-General* said, that as the law now stood, companies consisting of more than six persons were not allowed to employ their capital in London in the trade of bankers, and the clause now under consideration proposed to make no alteration in this respect.

Mr. *H. Drummond* said, that it had long been the practice in Scotland, where the banking firms consisted of more than six partners, to draw bills upon London, and to have them discounted as often as might be necessary. Whether this was legal or not he did not know, but he was sure that it could not be done in future under this clause.

Mr. *Pearse* said, that any alteration would require great nicety and care; and in order to give time for properly considering it, he thought it would be better that the chairman should now report progress.

After some further observations,

The *Chancellor of the Exchequer* proposed to postpone the clause under consideration, in order that the committee might get through the technical parts of the bill.

The consideration of this clause was postponed.

The other clauses were then agreed to, and after sundry amendments, the bill subsequently passed.



*Local Payment of Bank Notes.*

**LORDS, TUESDAY, APRIL 25.**—The Marquis of Lansdowne moved for the committee on the bill for enforcing the payment of bank notes at the place where issued.

The Earl of *Liverpool*, as far as he understood the principle of this bill, entirely concurred with it; but he confessed that he found many objections to the application of this principle at present. It was therefore well worth the consideration of the noble lord who had introduced this measure, and the house, whether it would be proper to proceed with it at present. A very important branch of the subject to which the present bill related had been referred to the consideration of a committee. He meant the question relative to the currency of Scotland and Ireland. Much evidence had been given before that committee, which it would be important for their lordships to consider when the report should be laid on the table. Now, whether the report might be made or not, there was, he thought, no probability than any legislative measure could be founded upon it this session. For this reason, he was of opinion that it would be better to postpone the present bill until after the inquiry now going on was completed.

The Marquis of *Lansdowne*:—After the declaration by the noble earl of his approval of the principle of the bill, and of his desire to see it in operation, the difference of time to be gained by forwarding it this session was not so important, as the assistance which he might hope to obtain from the noble earl in carrying into full effect a measure which he conceived to be essential to the establishment of a sound banking system, for without it that system could not operate with security and facility. As long as banks continued to issue notes of which the population of the district where they were issued could not obtain payment, it was obvious that a cause would exist for great fluctuations, and the banking system would be so constituted as to defeat the great object the noble earl had in view in all the measures he had introduced, namely, the creating a metallic instead of a paper currency. The making notes payable at the place where issued appeared to be a necessary preparation to that gradual introduction of specie which ought to take place before the small notes were entirely withdrawn.—He should agree to a motion for postponing the committee on the bill to this day three months.

After some observations this suggestion was agreed to, and the bill of course dropped for the session.

*Bank Charter Bill.*

**FRIDAY, MAY 5.**—The Earl of *Liverpool*, on moving the order of the day for the consideration of the amendments made by the Commons in the Bank Charter bill, observed that the amendments were merely verbal, with the exception of one or two, which were essential to the success of the measure. In the other house there were many persons connected with banking, and consequently more capable of forming an opinion as to what was wanting to render the bill efficient, than he or any other of their lordships were likely to be. These gentlemen felt it to be necessary, with a view to the establishment of joint stock companies in the country, that such companies should be allowed to have an agent for paying their bills in London.

Bills drawn payable at sight or on demand might thus be paid in London. To accomplish that purpose an agent in the metropolis was necessary. He was given to understand, that the introduction of a clause authorizing joint stock companies to appoint agents would remove a great obstacle to the working of the bill. There were besides some clauses introduced for the purpose of giving the country establishments with regard to stamps the same advantages as the Bank of England. There was another amendment of importance. When the bill was before that house, a good deal had been said on the propriety of the Bank of England establishing branch banks, and the noble marquis (*Lansdowne*) had in particular insisted on the necessity of obliging banking establishments to pay at the places where their notes might be issued. Now a clause had been introduced by the Commons, authorizing the Bank of England to establish branch banks, and providing that their notes should be payable at the branches where issued, as well as in London. At the time the bill was sent to the other house, it was not known whether the Bank of England would establish branch banks or not. The subject, however, had since been referred by the directors to the consideration of their own body, and had undergone a most patient and laborious investigation. He was authorized to say that the principle had been completely adopted, and that the Bank had decided to establish branch banks. As to the extent of those branches, and the places where they were to be established, the Bank had not yet come to any decision; but it was satisfactory to have to state that the principle had been determined on. With regard to joint stock companies, it had been thought by some that if the Bank of England was not favourable to the principle and details of the bill, that that circumstance might operate in some measure against the formation of such establishments. When, however, the fact was, that the whole circulation of Ireland was carried on by the charter bank of Ireland and joint stock companies, with the exception of only the Belfast bank and a small bank at Mallow, it was not unreasonable to find some expectation on the success of those establishments. With regard to the power of granting charters to companies, which would be most important, that power would be acquired in due course of law. He had, however, no reason to despair of obtaining from the Crown, even before the arrival of the period to which he had alluded, the power of granting charters to joint stock companies. In the meantime he could state, that joint stock companies were forming in this country, and forming not by what might be called new people, by persons without experience in banking, but by existing banking establishments, most respectable in themselves, uniting together. These establishments would by their union form joint stock companies, though without charters; and from this fact their lordships would be convinced that the bill before them was not likely to prove a dead letter. He concluded by moving, that the amendments of the Commons be agreed to.

The amendments were then agreed to.

*Small Notes in Scotland and Ireland.*

**COMMONS, THURSDAY, MARCH 16.**—The Chancellor of the Exchequer said, that after the



ample discussion which the subjects of banking and promissory notes had undergone, the more he had applied his attention to them, the more he had become persuaded that the opponents of the new regulations were without any grounds whereon they could rely for refusing to adopt them in the case of Scotland. There was a material difference between the cases of Ireland and Scotland, and it was necessary to take all circumstances into consideration before they proceeded to legislate. It appeared to him, therefore, that the most prudent and effectual mode for all parties would be to allow a full, free, and unreserved consideration to be given to the subject before a select committee. He agreed that they ought not to charge those who opposed the application of the new measures to Scotland with any unfairness in their purposes or their arguments, until they had first of all heard and endeavoured to convince them; but he must be allowed to remark, that Parliament, in dealing with this subject first of all, had begun with this very case of Scotland; for in 1765, it had restrained the issues of small notes, which were then in circulation in that country, as a medium wholly incompatible with the interests of those into whose hands it was likely to go. In Ireland, there appeared to be no such strong disinclination to the measure contemplated.—He should, at present, abstain from all further remark, and simply move "that a select committee be appointed to inquire into the state of the circulation in promissory notes, under the value of 5*l.*, in Scotland and Ireland, and to report their observations and opinion thereupon to the house, with reference to the expediency of making any alteration of the laws now in force relating thereto."

Mr. *H. Gurney* thought that it would be much safer to abstain from this inquiry, which could only add to the ferment lately experienced and still lingering in the public mind. The experience of the operations of three committees, including the bullion committee, which had sat already, ought to convince them that the only effect would be, renewed agitation, depression, and distress, in the affairs of the country. At least let them forbear from interfering with Scotland until they had tried the effect of the measure on England. He objected to any further interference on the part of Government or Parliament with the money affairs of the country.

Mr. *Keith Douglas* said, that Parliament ought to shew some deference for the petitions which were coming up from all parts of Scotland in opposition to the proposed alteration of their currency. During the whole period of the Scotch banking system, nothing had occurred which would warrant the proposed interference. The state of things which had arisen in England, was occasioned in part by the insolvency of some of the smaller bankers; but not so in Scotland, where the people were perfectly satisfied with the solvency of their bankers, and the accommodation which they afforded. In England the evils to be corrected were first, the too great extent of the small bank-note system; and the remedy to be applied was, the suppression of all notes under 5*l.* value. But, then, it was said, that for uniformity sake, the same system must be extended to Ireland and Scotland, and particularly in the case of the latter; for if the small note circulation were upheld there, it must necessarily interfere with and injuriously affect the British gold currency,

by being mixed up with it. Now he denied that this could ever take place in the manner apprehended; nobody in England would countenance the circulation of Scottish notes in preference to their own gold coin.

Mr. *W. Dundas* said, that the British Parliament could not be expected to take the mere words of the Scotch members upon such a question; it was therefore reasonable to call for a committee, where alone the requisite proof could be furnished. He was attached to the present system, and therefore courted rather than feared inquiry.

Mr. *M. Fitzgerald* eulogized the present banking system in Ireland, where there were branches of the national bank, and joint-stock bankers, properly maintaining the circulating medium of the country. The principle of the proposed change was sound, but they must be cautious in its application; and he had serious apprehensions whether they could supply with gold the vacancy occasioned by the suppression of the small notes throughout the kingdom generally.

Sir *Charles Forbes* said that he saw no necessity for this committee—it was uncalled for and unnecessary; but he would vote for it in compliment to Scotland.

After some further conversation, the motion was carried without a division.

LORDS, FRIDAY, MARCH 17.—On the motion of the Earl of *Liverpool*, a select committee was appointed to inquire into the circulation of promissory notes under the value of 5*l.* in Scotland and Ireland. The noble earl then moved, that the several petitions which had been presented to the house on the subject of the banking system in Scotland and Ireland, be referred to the said committee.

Earl *Grosvenor* then rose. He considered it very extraordinary, that after all the information which the noble earl must have obtained respecting the measure he had proposed to carry into effect, not only in England, but in every part of the united kingdom, he should still think it necessary to refer the subject to a committee, which was, in fact, nothing more than a mere form, and which appeared to be only resorted to for the purpose of screening ministers, by making the committee share the responsibility. He believed, that had it not been for the publication of the *Letters of Malachi Malagrowther*, the noble earl would never have thought of the appointment of a committee to inquire into the propriety of a measure he had previously resolved to carry into execution.

The Earl of *Liverpool* requested their lordships to recollect for a moment how the question stood. In the beginning of the session, he announced his intention of bringing in a bill to prevent the circulation of 1*l.* and 2*l.* notes. A question was then put to him, whether he intended to extend the measure to Ireland and Scotland. He answered, that it was his intention to extend it to those kingdoms after the bill relative to England had passed. One part of the united kingdom, namely Scotland, had manifested a very general, he might say a universal, objection to the principle of the bill, and their lordships' table was covered with petitions against it from that country. What, then, was the most decorous course which he could adopt, his opinion still remaining unaltered, notwithstanding these petitions? What



else but to investigate the facts stated by the petitioners, and then let the house say whether the measure ought to be extended to Scotland or not? He must repeat, that he had heard nothing yet to shake his opinion as to the necessity of extending the measure to the other parts of the united kingdom; but whether it should be extended or not, the most proper course for their lordships, and the most satisfactory for the country, would be to institute an inquiry of the nature of that he proposed.

The Earl of *Aberdeen* conceived that after the bill for prohibiting the circulation of promissory notes of small value had passed, the country had returned to the state in which it was before the Bank restriction act. Before that period the circulation of Scotland was the same as now. No evil had been felt in Scotland from the state of the circulation, and there had never been any complaint of it. The people of Scotland were perfectly satisfied with the present state of their banking system, and their objection to any interference with it was universal. The whole of the measure was in the nature of an experiment, and the noble earl perhaps thought that extending the prohibition to Scotland, would render the experiment more easy in England; but very many things might occur to render it difficult to carry the measure into effect in England. Why, then, not wait till the result of the experiment in this country was seen? If England returned easily and quietly to a metallic circulation, their lordships could then with more confidence extend that benefit to Scotland, if they thought it a benefit. This course seemed to him more advisable than proposing at once to deprive Scotland of a system under which it had long flourished, and which, if it was not the cause of its prosperity, was at least contemporaneous with it.

Lord *Melville* said, that a great deal of misapprehension prevailed in Scotland respecting the proposed measure. It was true that the objection to extending the prohibition to that country was very general, but it was at the same time perfectly well known that many well-informed persons in that country differed in opinion on that subject. The committee would only report facts, and upon these facts their lordships would be called upon to form their opinion.

The Earl of *Limerick* said, that a remedy should not be applied where no disease existed. The very agitation of the subject had done great mischief in Ireland. The measure, as applied to Ireland and Scotland, must be differently viewed. In Scotland not a sovereign was to be seen; but in Ireland the circulation stood on what was admitted to be a solid foundation, as the paper money was convertible on demand into gold. He begged leave to state that the situation of Ireland was peculiar. It was a country of small dealings, and therefore required small notes,—currency divisible into fractions suited to the nature of the agricultural and manufacturing transactions. On these grounds he objected to the proposed measure.

The Earl of *Lauderdale*:—The noble earl (*Liverpool*) had stated, that all that was wanted was to restore confidence; because the noble earl agreed in opinion that the wealth of the country remained undiminished. Now he had had very great difficulty in seeing how this measure was to produce the expected effect in England; but, whatever it might do in England, how its extension to Scotland was to restore

confidence was what he was sure neither the noble lord nor any other man could tell him. The opinion of the people of Scotland was unanimous against the measure.—It seemed to be supposed that the Scotch bankers had a particular advantage in the system that existed in that country. Unquestionably men would not employ their capital in trade but with a view of deriving profit from it. It was clear, however, that the Scotch bankers would have more profit if they were to follow the English mode of doing business, and give no interest to their customers: these bankers would, therefore, have an interest in the alteration proposed by the noble earl. If, therefore, they joined in the petitions, it must be from a conviction of the advantage of the system to the country. It was the best possible system for a poor people—for a people who were now becoming rich, but still wished to retain the advantages they possessed. He was sure that an attempt to new-model the banking system of Scotland would be a dangerous undertaking.

The Earl of *Liverpool* was astonished at the singular nature of the argument of a noble earl (*Limerick*); for if it was true that Scotland had been benefited by her banking system, surely the same thing could not be said of Ireland. He could not say that that country had not suffered by the failure of banks; for certainly no country could be said to have suffered more in that way than Ireland. It would be no answer to this to say, that a new banking system was established in Ireland: whatever advantage might be derived from that system, it was as yet merely an experiment. The question, therefore, as it respected Ireland and Scotland, stood upon different grounds. But as it related to Scotland, he begged noble lords would go into the inquiry fairly. The question of the banking system of Scotland was not to be considered with reference to its general operation on the people only, but more particularly as its effect on the commercial part of the community. Now, if their lordships looked at the commercial embarrassments which had occurred during the last 25 years, it would be found that Scotland had suffered more than England. It was said by the Scotch, "Keep your English system, and let us have ours, under which we have so long flourished; or if you will assimilate, why not adopt the Scotch system for England?" But the real question was, could Scotland, in commercial concerns, do without England (hear, hear)? When distress occurred, would the Scotch merchants find relief without coming to the Bank of England? Then, indeed, let them have their own system! But if this was not the case—if both Scotland and Ireland must lean upon the Bank of England—if, in periods of difficulty, the commercial classes of those countries must come to this for relief, then assimilation was necessary. Connected together as the countries were, where an alteration of the banking system was made in England, it seemed to be at least proper to inquire whether it would not be necessary to make a similar alteration in Ireland and Scotland.

Lord *Clifden* thanked ministers for getting rid of the small notes. No idea could be formed of the misery of the people of Ireland, when the country banks failed, as had been the case in the years 1819 and 1820. It was of great importance to prevent those country banks from springing up again. He under-



stood that there were now established in Ireland new banks, consisting of numerous and wealthy individuals, which he hoped would be found to work well in practice. For his own part, he felt an extreme horror for 11. notes.

**The Earl of Caernarvon:**—The present proceeding was a most extraordinary one; for after having applied this measure to England without having made any inquiry at all as to its expediency, it was now proposed to lump Scotland and Ireland together, and to inquire whether it would be expedient to extend it to those countries. Besides, was this a proper season for agitating this question, when credit was in such a ticklish state, and confidence in a great degree destroyed? Surely, instead of disturbing the public mind by this alarming proposition at present, it would have been much more politic to have had recourse to some healing expedients.

After a few words from Lord Ellenborough, the motion was agreed to.

**FRIDAY, MAY 26.**—The report of the committee appointed to inquire into the expediency of altering the state of the currency in Scotland and Ireland having been laid on the table,

**The Earl of Caernarvon** complained that the measures brought forward by Government on this subject with respect to England, had been passed without any inquiry. In the case of Scotland and Ireland, inquiry had been instituted, and what was the result? Did it bear out the principles of the noble earl? Quite the reverse: and he was satisfied that if inquiry had taken place into their expediency, as regarded this country also, the result would have been the same.

**The Earl of Liverpool:**—The committee had reported that it was inexpedient to adopt measures, this session, with regard to Scotland and Ireland, on account of circumstances peculiar to those countries. If, however, a paper circulation could be safely maintained in Scotland and Ireland, it was because they had a metallic circulation in England. The safety of a small-note circulation in those countries grew out of the state of the currency in England, which governed the exchanges in every part of the British empire.

**COMMONS.**—On the report of the Select Committee on the Banking System of Scotland being brought up,

**Mr. Tierney** rose:—"Mr. Speaker, as this is the last act belonging to the system, recommended by his Majesty's Speech, at the opening of the session, I am desirous of availing myself of the opportunity of stating my opinion on the transactions attending the adoption of that system. The house will bear in mind, that in the King's Speech we were desired to take such steps as would place the currency of the country on a more solid and permanent footing, or words to that effect: measures were in consequence brought forward by ministers, all of which are, no doubt, in the recollection of the house. The principle on which I understood Lord Liverpool to have acted, I take chiefly from the details of the letter, signed by his lordship and the Chancellor of the Exchequer, to the Directors of the Bank of England. I find it there asserted that the embarrassments of the country arose from over-trading. Whether

I entirely agree in that opinion is another matter; but in this I did agree, that whether such were or were not the fact, the distress had been much encouraged and increased by the acts of the country banks (hear, hear). The remedy proposed was—to get rid, within a limited period, of all the one and two-pound notes now and then in circulation. It was also mentioned, and truly as I think, that that by itself would not be a sufficient remedy; and it was, therefore, suggested that, with the concurrence of the Bank of England, branches of that establishment should be formed in other parts of the kingdom; and further, that it should part with a portion of its exclusive privilege, and that a law should be passed enabling more than six persons to join in speculations of the kind. I hope the house will not forget what it was called upon to adopt as the system to remedy the distresses which have recently so cruelly pressed upon the country from that day to the present. Nothing could equal the vigour with which Lord Liverpool set out: not a moment was to be lost, and the haste was so extreme, that all was to be done without the slightest inquiry (hear, hear). The further issue of stamps was stopped on the instant, by an act positively illegal. I beg to be understood, as not finding fault with that act: to the best of my abilities I defended it. I thought it absolutely necessary; but, at the same time, I could not shut my eyes to its illegality. So it was—the step was taken—an order was sent down to the stamp-office, by which it was rendered impossible that any addition could be made to the number of one and two-pound notes in circulation. The next step was, the bringing in a bill to prevent the issue of one and two-pound notes, after some day in April, 1829, three years from the time when the proposition was made. Upon that measure a great variety of opinions prevailed: for my own part, I conceived that ministers were acting upon a sound system, and I therefore gave them all the support in my power. This, let me observe, was not a pleasant part for any gentleman to act. I was appearing to wage war against a most respectable body of men—I was supposed to be acting with feelings of hostility to the country bankers. All I can say is, that I did it for the best under the circumstances; and, if they were to occur again, I should repeat the same conduct, having yet seen no reason to repent it (hear, hear). All went on smoothly, until it was suggested, that an exception should be made respecting the issue of one and two-pound notes in favour of the Bank of England. It could not be listened to for a moment: the minds of ministers were made up; their objections were irresistible; yet within one little week they gave way (cheering). This was the first indication that their valour was beginning to ooze out (laughter). Nevertheless, I continued to give them my support; and if the Directors of the Bank of England meant, really, and *bonâ fide*, only to issue such a number of notes as would supply the deficiency that might be occasioned by the sudden abridgment of the circulation of country banks, there would not have been much to object to. But I was satisfied that this would not be the case; for the principle always uppermost in their minds has been pushing out their paper to the very utmost extent; and I did not think there was any reason to suppose they would change



it for this special occasion. But this suggestion having been adopted, one great advantage of the system has been done away. We went on with the bill extremely well, (I am speaking here only of the first branch of the remedy), until we came to Scotland. Of Ireland I shall say nothing at present, because I understand that nothing conclusive regarding that country is contained in the report: that part of the subject is open to further investigation next session, and only a general outline is given of what it may be prudent to do. As to Scotland, the case is different. I really believe, that since the Rebellion of 1745, such a combustion has not been produced in that country as was raised the moment it was known that some plan was projected for altering the paper system there (hear, hear). Nothing, I must own, ever surprised me more than what I myself witnessed. When the measure of restriction was first introduced, all the members for Scotland, with one voice, hailed it as wise, prudent, and beneficial: out of the whole 45, I believe there was but a single exception (Mr. Hume), who voted against it. Nothing could equal the zeal of the Scotch gentlemen in supporting it, excepting, perhaps, the firmness, I had almost said the menace, with which they afterwards united to resist it (laughter). They found it was not relished in the north: and when it came home to their own doors,—when they discovered that the proposed change in the currency of Scotland would put them and their seats in jeopardy, they turned round without the slightest hesitation, forgot or disregarded all that they had before said or done, and joined their voices to the general cry against the alteration. The effect was magical—such as he, a plain man, had no powers of eloquence to describe. The Great Unknown's well-known picture of a "gathering"—an arrangement in which, by the exertions of a single man, speeding from house to house with a signal, a whole clan is mustered, and every individual is at his post in half an hour—is the only recorded process, the effect of which seems at all to approach it (laughter and cheering). Petitions were poured in from all parts of Scotland, and a greater hubbub was excited than I can recollect for many, many years. Nevertheless, I did hope that ministers were acting upon a matured and settled system; and one of my complaints is, that I have been disappointed: they have acted upon no system, but one of mere expediency, from day to day. Is there any man who hears me, who is not astonished, after all that has been said and done, to find, that the last act of nearly the last day of the session, has been to produce a report, the substance of which is to recognize the right of allowing the existence in Scotland of a principle totally different from that which governs us here (much cheering)? What is the principle of Lord Liverpool regarding England? That the earliest step must be taken to ensure the circulation of gold, and to drive out the circulation of paper. What is the last step taken regarding Scotland? To ensure the circulation of paper, and to drive out the circulation of gold (hear, hear). This is the short statement, but the correct one: in Scotland, the circulation of paper is to be free and unlimited; they are to have full leave to go on precisely as they have gone on after due inquiry, while in England the circulation of small notes is absolutely abolished

without any inquiry at all (hear, hear). It seems to have been thought, that the respectability of the character of the Scotch bankers, (and I do not mean to hint any thing against it), their prudent management and their tried integrity, covered them with a degree of sanctity which rendered it almost impiety to touch them. In England, however, without investigation, that has been done at once, by the strong arm of the law, which, it is not denied, has been and still is most severely felt from one end of the kingdom to the other. I did not conceal the difficulties from myself—I was aware of them at the beginning of the session. To touch the currency in so vital a part, must be attended with danger and disadvantage; but I balanced the conveniences against the inconveniences, and I thought the course recommended by Government right, although I knew the remedy would be severe. When we came to deal with Scotland, I was told we were all wrong in principle—that what was to be law for one country ought not to be law for another—that she had a right to her paper currency, and might maintain it even by dint of menace and intimidation. The ground on which the exception of Scotland rests, is this:—That she has acted for a long series of years on a system of excluding the precious metals; that no inconvenience has resulted from this exclusion; on the contrary, that her manufactures and commerce have been greatly benefited by it. I hope I state it fairly, and I am sure I mean to do so (hear). As to the long continuance of the system, I do not think that any very powerful argument is to be derived from that fact, because times and circumstances make all the difference. Scotland is no longer what Scotland was: what it might be proper to connive at in a poor and rising country, is not to be borne when that country has advanced to wealth and power equal, or nearly equal, to our own. Formerly, every assistance that could be given to Scotland was important; but now (and I say it with heartfelt satisfaction) I do not know a country in the world, which, in the same number of years, not more than thirty, has made such rapid and vigorous strides towards wealth and prosperity (hear, hear). I always feel every thing that belongs to the prosperity of Scotland, as part of the prosperity of England; but, then, I hope the Scotch gentlemen will allow that danger to England ought at least to meet with sympathy in Scotland. This is not too much to ask, even from the natives of the North. What I maintain is this,—that what might be necessary to Scotland formerly, is not necessary now. She has not only enjoyed the benefit of the banking system, which I will explain a little by and by, but other advantages, which have showered into her lap wealth in greater quantities, and in a shorter time, than any other country ever experienced; I allude to the wealth poured into Scotland from India within the last thirty years. Witnesses before the committee talked of the advantages produced by the system of banking, but they did not notice the vast sums of money which have flowed into Scotland from India, and arising from circumstances which it is almost invidious to mention. Let me ask whether the system of cash credits or of banking could have done that for Scotland which India has accomplished for her? I speak it highly to their honour; but every Scotch gentleman who



to India, on his return felt that laudation for his own country which induced place there the property he had realized. It has been a great source of wealth to Scotland. I am heartily glad that she enjoys it. The system of banking is different in Scotland and England; and the object in view, in the part of Lord Liverpool's proposition, is to assimilate the two by allowing an innumerable number of partners to establishments of the kind in England. But, say the Scotch, you destroy all the benefits derived to the manufacturers, and put an end to a system which has so long and so advantageously

Now, this system of banking in Scotland is undoubtedly one of extreme profit, for this reason—the precious metals being scarce, paper only is issued and circulated; the whole specie capital of the bankers is deposited in London, obtaining at least the ordinary rate of interest; therefore, all that is done in Scotland in the way of banking, is sheer loss to the country. I doubt, if I were a Scotch banker, I should be very anxious to support that which gives such an abundant source of wealth; I should not affect to blame them. The system of circulation originates in cash credits. I may explain thus: If a man begins the world as a tradesman, it must be thought a great advantage for him that some banker's, we will say 100l., he could apply when he wanted it; if he should become security for him, he is entered in the banker's books to that amount, and can draw for it at any time, unless by accident the credit thus acquired is exhausted.

But there is a second advantage in the system:—the tradesman may at any time have any part of the sum thus advanced to him, at the interest charged for the remainder, which he retains in his hands, is directly repaid; he pays no interest for a single day beyond the sum, beyond that which has been advanced to him. In order to accomplish the object, and to keep up this system, the issue of all coin became necessary; the principle on which it is founded, is, on the other hand, a man in the course of his business receives ten sovereigns; these he was in the habit of keeping in his till, or in the drawer of his counter, applicable to any use; but, by the new system, he gives the sovereigns, pays them into the Bank, and receives ten promissory notes in exchange. It is right to find fault with this system, and to say, that in countenancing Scotland by this system, ministers are acting more directly against the principle of their own system, than I should have supposed it possible even for them to do. It is boasted that she has devised these cash credits, the effect of which is altogether to exclude gold from circulation. If the evidence be true, she has most effectually succeeded; and it is true that these cash credits amount to no less than six millions: some witnesses state it to be eight millions, but it may be very near six. The other parts of Banking in Scotland are the same as in England, excepting that who make deposits are allowed in Scotland some greater advantages: one is, that they give 4 per cent. to those who lodge their money with them, and charge 5 per cent. for the use they make. No doubt this system is a great advantage to those who reside in Scotland, but give me leave to ask, whether any reason why those who reside in

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Scotland should possess it (hear, hear)? After the union, common prosperity ought to have been the common object, without any exclusive privileges; and it is not enough for a Scotch gentleman to say, "they ought to continue, because I am a great gainer by them." But while thus an extravagant advantage is given to Scotland, the rest of the country are severe losers. As I before remarked, this might be all very well while Scotland was a poor country; I might then be ready to shut my eyes, and connive at such a special benefit: but Scotland is now rich and powerful, and why is a gentleman of that country of 2000l. a year, to possess these advantages, and to secure four per cent. by cash credits, to his dependants and connexions in all their ramifications, to the exclusion and disadvantage of England? I can see no reason for it, and I deny that in England the same may not be done: indeed, I was surprised to find, what I did not know until this day, that cash credits do exist in some of the most respectable country banks in England. I am told that nothing is now more usual: if a man require 100l. or 1000l., he gets a friend to go to the banker and offer security for him, as for instance, a mortgage upon his estate; the money is agreed to be advanced; the party wanting it, may take it in what proportions he pleases, may return what he does not need, and only pay interest on the sum he actually employs. Can any man then assign a single reason why Scotland is to be so peculiarly favoured? Why is she to be allowed to continue a paper circulation, while England suffers so severely, and meets with so many difficulties and obstructions in her march to the goal of a metallic circulation? This cannot be called acting on a system; it may be right, or it may be wrong; but no man can deny that Lord Liverpool is blowing hot and cold, when he pretends to put the currency of the Empire on a solid and secure basis, and yet does all in his power to make that basis, in Scotland, unsolid and insecure (hear, hear). I dare say, when the report comes to be read, it will be found fairly drawn up; I have every reason to believe it; but I will venture to say, before it is read, that it contains materials for a manifesto in favour of a paper currency, from one end of the kingdom to the other (much cheering). No more effectual method can be taken than by the publication of all the evidence. Ministers lay it down for a rule that there is nothing so good as gold; but, read the report, and the world will be satisfied that there is nothing so good as paper. This is really the result of the investigation; and before next session we may depend upon having a full dose of pamphlets upon this long-disputed question. *Paper against Gold, and Gold against Paper*, will flourish on hundreds of title-pages, and happy the man who never reads a line further (laughter). The temper of the country will be fully tried upon the question, and the minds of the people may very reasonably be turned either way, when they see that the King's ministers do not know which way to turn their own (hear, hear). After being driven and goaded into a metallic currency in fact, we are to be told at last in words, that we ought, for all purposes of profit and convenience, to prefer paper. No man who hears me can think of the restoration of a paper circulation with more horror than I do; I know that good, wise and well-informed men differ from me, but upon that point I am more obstinate than on any other, although I



affect to know no more, and to see no further, than my neighbours. On this subject, I have uniformly resisted the projects of the Ricardos and other political economists, and I shall persevere in my resistance. Coin and paper cannot travel in company; and I lay it down as indisputable, that if there be in circulation at the same moment a piece of paper of the denomination of twenty shillings, and a piece of coin of the same actual value, the coin will very soon be missing. There can be no doubt, but that as soon as the metallic currency shall have been introduced, if it can be expected to be introduced at all, there will arise a strong inclination in many quarters to resort to any thing that may produce a rise of prices; and how is that to be done? Why, by recurring to a paper circulation. "See what advantage Scotland has by her paper," will be the general cry. "Remember how happy we were during the war with our paper circulation. We must have our corn raised to a fair remunerating price, and for that purpose we ought to have the same advantage as they have in Scotland." And then I ask, whether, if the Bank of England does not continue to issue small notes, while such notes are allowed to be freely issued in Scotland, we can go on for two years together? I hold it to be utterly impossible that we can; and the result will be, not that Scotland shall be assimilated to England, but that England shall be assimilated to Scotland (hear, hear). The forty-five gentlemen of the north will after this find a great number of coadjutors (a laugh). The English country gentlemen will say, "Why do you refuse us the same advantages which you allow to the gentlemen of Scotland?"—and what answer can we give to that? "You see," they will say, "how Scotland is flourishing under the small note system, and why should we not also have the benefit of small notes?" If you are of opinion that it is expedient that Scotland should have a paper circulation of this kind, why should it not be expedient for England likewise? It will be very difficult to give a sound and rational answer to such expostulations. And then, suppose a war should arise, in what situation shall we then be found? The consequence will be, that having done nothing in the last years of peace for the arrangement of our currency on a solid and secure foundation, we shall be compelled to engage in the war with our circulation in the utmost confusion; and foreigners will look with contempt on our financial knowledge and regulations; for foreigners understand the state of our currency, perhaps, in some instances, better than we do ourselves. Some foreign nations, at least, understand the proper measures to be adopted with respect to their own circulation, better than we understand the proper regulations which ought to be applied to our circulating medium. Look at the condition of France in this particular—every thing perfectly regular—the gold currency plentiful without excess—nothing doubtful—the Bank accounts submitted to the public view without the least disguise; and all this while we are involved in a series of vacillations, doubts, and difficulties. It cannot be otherwise. The only question is, what are you to do in 1829? Are you about to restore a metallic currency, or are you to retrace your steps and resort to paper? That will be the difficulty; and, from the course you are pursuing, the latter alternative is most likely to be the result. I say so, because I think that will lead to much

more important consequences than most gentlemen are at present aware of; since it is clear, from these proceedings, that you are not prepared to follow up your own act by reverting to a solid currency. But why did Lord Liverpool adopt a system at the outset which he was not determined to go through with? Lord Liverpool ought to have known his grounds completely before he proposed any measures; and having once taken his ground, he ought to have held it firmly. Give me the minister who will never introduce his measures rashly; and when he has once introduced them, will stand by them without flinching. Here nothing was settled in time with the Bank, and a great deal of squabbling took place, till, at last, it was agreed upon that there should be one branch bank at Gloucester. Then came the plan for giving an additional number of partners to the country banks. There are many country bankers who want no additional partners, whose means and credit are too high to make it of any consequence to the public what the number of partners may be; but, at the same time, I admit, that there may be others in a different situation; it may be attended certainly with additional security to the public, that, generally speaking, a banking concern should include a considerable number of partners; and, upon the whole, I agree in the propriety of legalizing and encouraging these joint-stock banking companies. But here again occurs another instance of the negligence and carelessness with which these measures were prepared; for the law which passed on this subject contains a proviso, that none of the notes or bills of the country banks below 50*l.* shall be payable in London—a regulation, which if carried into strict effect, would render the permission to form these joint-stock companies perfectly nugatory; for no country banking company could carry on business under such a system. Why did not Lord Liverpool and the bankers settle this matter before the measure was proposed to Parliament? After the act was a month old, several meetings were held, and several discussions took place, upon which it was at length discovered that the provision in question might be evaded. So, that after the act had passed, one of the principal objects of the minister was to show how it might be evaded. The law, it was found, could never answer, unless some mode of evading it could be discovered; and the whole utility of the law was grounded upon this evasion (hear, hear). See, then, the result of this grand system; and observe how it applies in the different portions of the Empire. In the course of three years England is to have a metallic currency, and no small notes; Scotland is to have her small notes, and, of course, no metallic currency; and with reference to Ireland, I understand the fractional notes, such as those of 25 and 30 shillings, are to be immediately abolished; then in three years, the one-pound notes are to be abolished; but the three-pound notes are to remain in circulation till 1833; and from that time the metallic circulation is to be introduced into Ireland. Now, why may not some such regulation as this be carried into effect with respect to Scotland? Here is a sufficiently long time allowed for a return to a sound currency, which may be gradually introduced as to occasion no inconvenience or agitation in the transition.—This, then, is the state of the currency at the end of



am, after it has so seriously engaged attention during the no very long period it has lasted; and I thought it due to the country to state my view of it before the approaching prorogation, speaking of myself, and for myself, only stating my own opinion. I attack the present. I do not mean at this apud blame to any particular individual. I thought the ministry were acting entire, sound, and solid system, which apply to every portion of the empire; and that I was wrong (hear, hear). I am boldly come down to parliament and make a measure on one of the most important subjects that could occupy the attention of parliament—they yielded, wavered, hesitated, and contrived to fritter away at destroy their own system. Lord Brougham—for I consider the measure as belonging to him—came forward so very confident, that he did not deem it necessary to inquire by committees of either house at all necessary, but to measure upon his own responsibility. As to the clamour made by the Scotch, we thought it not inconsistent in them their mode of proceeding. All inquiry was denied in the case of England; a committee of inquiry was agreed to be regarded Scotland. But may not the question, why did not you do the same with regard to Scotland? we were not determined to refuse any inquiry whatever, why should that be denied to Scotland while we are excluded? you of their cash credits; but we tell you we can show you our cash credits also; we have cash credits already, exactly of the same value in Scotland; and we are as ready as able to act upon that system as the Bank of Scotland. But no! you refused all inquiry into our situation and transactions, and assumed the demerit of England, but not the demerit of Scotland. What answer can we give to these remonstrances?—However, I merely wish to justify myself; I merely wish to show what kind of a measure we make in the last days of the session having devoted so much of that time to the consideration of this important subject. I wish the measure had been brought forward with less rashness; and had been more carefully considered. But *liberavi animam meam*: I have at least endeavoured to do my duty to my country; and shall not trouble myself with any thing further, except to wait for the patience and indulgence which they have been pleased to hear me.”

“I cannot help being very much gratified that the rt. hon. gent. should have thought right to make so severe a speech on a Report which is not yet on the table of the house. It is surely somewhat of a pity that he should take occasion to censure conclusions drawn from evidence in the hands of members, and of which, they cannot be competent judges. The committee did most anxiously apply to the subject, and endeavoured to do it with as much zeal and perseverance as circumstances would allow. We have not much of our exertions or our time; and that we had barely an opportunity to consider and make up our Report before the termination of the session. I think it is, therefore, to us, notwithstanding

this early denunciation, that the house should suspend their judgment until they shall have had the means of maturely weighing the evidence upon which the conclusions in the report are founded. This, I will say, that I never sat upon a committee where every one appeared more anxious to do his duty; and it is but fair, that no unfavourable impressions should be suffered to prevail against its proceedings and conclusions, until they are thoroughly examined. —The rt. hon. gent. says, that we declared our resolution to adopt and adhere to a general system applicable to all parts of the empire; and that we have abandoned that system—I deny both propositions. There has been no declaration by the ministers, that the system must necessarily be extended to Scotland; for we were always aware that the circumstances of Scotland and England were different, and might call for different measures. Let it be considered, that when the system comes into operation with respect to England, it will be the very same system which existed here for a long time up to the year 1797; so that, with respect to this country, it is merely a recurrence to our former currency, while the case of Scotland is entirely different. For a very long period before 1797, England had, practically, a metallic currency; and for twenty years before that time—that is, from 1777 to 1797—the law was, that no bank-notes should circulate under the value of 5l. But, during the whole of that period, concurrently with the metallic circulation of England, the small notes circulated in Scotland. I say, that none of us ever thought or said that the small notes ought to be put down in Scotland, merely because they should be withdrawn from circulation in England. In 1810, as is well known, a committee was appointed to examine into the state of the currency, and the expediency of a return to cash payments, and the conclusion to which that committee came was, that cash payments ought to be resumed within two years from that period; but it was never said, nor contemplated, that the circulation of small notes in Scotland ought to be abolished. Another committee was appointed in 1819; but it intimated no condemnation of the small notes in Scotland. And, observe, this was no *laches*—no negligence in us, for we had evidence before us, taken with reference to the circulation of small notes in Scotland. But we did not then think it essential to our principle, that its operations should be extended to Scotland. So, in the measures in contemplation in 1823—4, it was never mentioned that any alteration ought to be made in the currency of Scotland. Why, then, does the rt. hon. gent. say, that we had declared that our system ought necessarily to be extended to Scotland? I have no hesitation in stating that my own feeling was, that it should be so extended. But then, as we had no previous inquiry directed to the consideration of the state of the currency of Scotland in particular, we said, when we really had in contemplation to legislate in this respect, for that part of the empire, “by all means let us have a previous inquiry.” The rt. hon. gent. refers to the letter of Lord Liverpool to the Bank; and I refer to that very letter to shew that it was not by any means understood that the system should necessarily extend to Scotland; for in that letter, the noble lord, in reasoning on the causes of the evils under which the country laboured, expressly refers to Scotland, and says, “We have a further proof from the in-



stance of Scotland, that the circulation of 11. and 21. notes is not the sole nor the principal cause of the evil,"—intimating that the small notes might possibly be allowed to circulate there without producing mischief. In 1819, and at other periods, it had been recommended, that in England no notes under 51. should be issued; and the state of things in 1829, under the present system, would be merely the carrying into effect the recommendation of the committee of 1819. The *rt. hon. gent.* says, that my Lord Liverpool ought to have made up his mind on the subject before he came down to parliament to propose this system for the adoption of the legislature. Why, it is long since my Lord Liverpool has made up his mind on the subject. Even while Mr. Vansittart was Chancellor of the Exchequer, he had contemplated the plan of taking securities from the country banks for their issues. The inquiry proceeded on the advice given by the *rt. hon. gent.* in 1819. At that time, when a proposition of this nature was recommended with respect to England, the *rt. hon. gent.* said, that even Mr. Pitt, in the plenitude of his power, had never ventured to propose a matter of so much consequence without a previous inquiry; and the *rt. hon. gent.* himself moved for a reference to a committee. Why, then, in this instance we acted on the advice of the *rt. hon. gent.*—we have appointed a committee, and instituted a previous inquiry; and yet the *rt. hon. gent.* now objects to the very course which he himself had formerly so strongly recommended. I therefore contend, that when we propose the return to a state of metallic currency, as far as respects England, we have been guilty of no inconsistency. We have acted exactly according to the practice of past times, nor have we made any declaration, nor given any pledge, that we would act otherwise. In past times England and Scotland went on together without inconvenience, the former having a metallic currency, the latter a small note currency; and, therefore, although we have resolved upon an early return to a metallic currency in England, it by no means follows that of necessity we should, at the same period, adopt a metallic currency for Scotland. I now come to the consideration of the conclusions to which the committee have come, as stated in their report; and as to these, I say, let the house suspend their judgment until they have an opportunity of ascertaining what they are, and upon what evidence they are founded. The *rt. hon. gent.* says that he regrets the publication of that evidence, and that we shall be inundated with another overwhelming flood of pamphlets about paper and gold. Why we were surely not to be prevented from taking all the evidence we could procure, from any such considerations as these. When we called the witnesses before us, we of course asked them to state their opinions; and after we had got these opinions, we could not but publish them, because otherwise it might be said, that we had some view to mislead the house and the public, by a suppression of their evidence. It is our wish that the evidence should be published, and thoroughly sifted and examined. This is the first committee, be it remembered, which has been appointed for the exclusive purpose of considering the state of the Scotch currency; and I confess, that we had a strong predisposition, that the system of metallic currency should be extended to Scotland. The general

principle is decidedly in favour of that course; but we were determined to attend, with the utmost impartiality, to all the evidence on either side, that we had an opportunity of examining. It was represented to me, when the committee was appointed, that Scotland was not adequately represented in it; and upon this allegation, I immediately agreed that other *gents.* should be added to that committee, whose opinions on the subject I knew to be contrary to the bearing of my own, and therefore the *hon. members* for Malmesbury and Aberdeen were appointed members of the committee. I freely confess, that if we had suffered our opinions to be determined merely by general reasoning, the committee would most probably have reported that the system of metallic currency ought to be extended to Scotland. But, when I heard and considered the evidence to which it was our duty to give every proper attention, I have no hesitation in admitting, that my opinion was, to a certain degree, changed; and I thought, upon the whole, that, under existing circumstances, a further trial should be made, whether a small note currency could exist in Scotland, in conjunction with a metallic currency in England, without inconvenience, as had been the case in past times. But neither the *rt. hon. gent.* nor the house, ought to consider this as an unqualified opinion on our part, that the two descriptions of currency could exist now in perfect harmony with each other, although they had done so formerly. We go no further than to say, that the experiment ought to be tried; but whether, under the very altered circumstances of Scotland, it will succeed, is quite another question. The *rt. hon. gent.* himself, says, that the circumstances of Scotland are now changed—that she has made rapid advances in wealth and prosperity during the last thirty years—that the wealth of India has been poured into her lap—and that she has for many years past flourished to a degree which was never known before. Why that is just what we say; and it is partly on that account that I had a strong inclination to think, that although the existence of different currencies in the two countries had formerly produced no inconvenience, it by no means followed that much inconvenience might not result from a similar state of things now. But still, as the evidence of past experience was in favour of the hypothesis of those who imagined that no inconvenience would arise from the existence of a metallic currency in the one country, and a paper one in the other, we thought it prudent to recommend that the experiment should still be tried; and then, if it should appear upon trial that these opposite systems were incompatible with the welfare of the empire in general, in the present relative circumstances of England and Scotland, of course our opinion must alter according to the altered state of the question. Now, upon the view of the case, as we have it under our eyes at this moment, is it expedient to make any alteration in the currency of Scotland, without some further trial? The universal impression in that country is, that they ought to be allowed to continue their present banking system, and their issues of small notes. If I had been clearly and decidedly of opinion, that at this moment it would be for the best interests of the empire at large that the metallic currency should be introduced into Scotland at the same time at which it was established in England, I should have disregarded



cession, and the clamours that resulted. Indeed, I was quite prepared for the expression of such an opinion in Scotland; but at the same time aware that questions of this kind had a much better chance of being determined by the House of Commons, by the noise and clamour of multi-plied doors. But then, having gone into the matter, and the evidence being contrary to my impressions, I thought myself, for the sake of the country, bound by that evidence. I certainly did not think our inquiry was not much more exhaustive, as the matter now stands, eleven years, of the greatest respectability, have to facts highly favourable to the continuance of the Scotch banking system—at least, as a temporary continuation. The gentlemen present said, and said with some appearance of reason—“Why disturb us in the continuance of our actual system, which is so adapted to us, when you know that the very system was established among us before we had a metallic currency, and that the least inconvenience to you or to the country? Considering these circumstances, we ought it right to say, that for the present it is fitting that the system of Scotland remain unchanged, for the sake of the country. Then, as to the country banks of Scotland, as compared with the Scottish banks, they have no hesitation in saying, that the bankers of England are, as a body, the most respectable classes of the community. But, as amongst all other classes of the community there may be some amongst them not so deserving of respect; and I say, that it is better for the bankers themselves, that the state of things should be abolished, which enables a few so to misconduct themselves as to taint the whole body with suspicion. Then look at the state of the returns to the Parliament, with reference to the solid solvency of the Scotch banks, as compared with those of England since 1816. In that period, there appears to have been a Scotch bank, which sued out a sequestration under the Scotch bankrupt laws. During that period, the number of English country banks against whom commissions of bankruptcy had been issued, is 158. Under these circumstances, we did think it would be fair, to give the Scotch system a further trial, when we had, that in that country it had wrought out its own ruin. They said, “do not disturb our system; you cannot but see that there is no objection for it;” and to the extent of leaving the system as it is, for the present, by way of experiment we have thought it right to attend to the wishes of the people of Scotland. There is no evidence to shew that the two systems of currency would necessarily derange the operation of the great objection to the system of paper currency was, that though well enough for fair weather, it was not for times of panic and danger. The answer to Scotland was, that for a hundred years, which their present system had existed, no great evils had occurred in that country in consequence of the state of the currency. That period the people of Scotland had changed of dynasty, and undergone the changes arising from two rebellions. When the credit had been convulsed in England, it had remained unshaken in Scotland. There are surely strong reasons for leaving the

system untouched, at least for the present. But the chief ground on which its defence rested was the system of cash credits. The business of Scotch banking is conducted by about 30 establishments. There are three charter banks, and twenty-seven or twenty-eight others, with branches extending into the remotest parts of the country. Though these branches might not at their first institution pay the expenses attendant upon their establishment, yet, by the improvements they introduced into trade and agriculture, they, generally, soon became profitable. The witnesses who were examined before the committee agreed in stating, that it was their undoubted conviction that if the circulation of notes below 5l. was abolished, there would be no longer any motive for establishing these branch banks in the distant and least improved parts of the country. What object, for example, could a banker have in incurring the expense of instituting a branch of his establishment in the Highlands, if he was restricted from issuing small notes? Certainly he could have none, as that was the principal source of profit from which he expected remuneration. During the inquiry, the committee had deemed it necessary to obtain a total return of the paper circulation of Scotland, for the purpose of comparing it with that of England. In 1819, when the committee on the resumption of cash payments was sitting, it was calculated that the total amount of circulation in this country was 40 millions. The circulation of the Bank of England was ascertained by the returns it had made to Parliament. That of the country banks, judging by the number of stamps issued, amounted to between twenty-three and twenty-four millions, to which was to be added some gold. The amount of notes below 5l. was not exactly known; but, during the present session, though by some it had been estimated as low as four millions, I thought it safer to calculate it at six or seven millions. Let the house now attend to the comparison of the proportion between the total amount of the currency of this country, and that part of it which consisted of notes below 5l. The latter, certainly, is not much more than a sixth—perhaps only a tenth. But how stands the proportion in Scotland, between the total amount of the circulation and the small notes? The total amount of the paper currency of Scotland is 3,300,000l., and there is scarcely any gold. The amount has been ascertained by every bank furnishing a return of its own circulation; and it appears, that of the whole, upwards of two millions consist of notes below 5l. In the case of Scotland, therefore, the proportion of small notes is two-thirds of the whole circulation (hear, hear). I am afraid that, under these circumstances, it is impossible, without the evidence of an over-ruling necessity, or that the two systems are absolutely incompatible, to pass a law doing away at once with two-thirds of the circulation of Scotland. If experience proves that the metallic circulation of this country cannot co-exist with the paper currency of Scotland, then I will abolish the latter. I am not enamoured of the Scotch system. I do not consider it perfect or desirable, for its own sake, but I prefer a trial of its compatibility with our own to its immediate annihilation. I feel very sorry that the report has not met with the approbation of the right hon. gent. (Mr. Tierney); but I declare that, either as a minister or as a member of that



house, I have never done an act with which I am more satisfied than the presentation of that report."

Mr. *Abercrombie* said, that he went into the committee with a full persuasion of the extreme absurdity of having one set of principles regarding the currency for England, and another for Scotland, and he had heard nothing in the course of the inquiry that had altered his opinion. Every position in the report was in favour of the general principles the house had adopted for this country. There had been no evidence that the system of cash credits would be destroyed by the abolition of small notes. The committee, indeed, in one passage, expressed their unwillingness to derange a system which had proved so beneficial in practice; but that house was bound in justice to its own principles to impose them on Scotland, unless it was prepared to pronounce much more decisively than this report. If the currency of Scotland were left in its present state, there would be an excessive issue of paper in that country, and the whole burden of keeping up the supply of gold would be cast on the bankers of England. Why were they not heard in their defence? If the same indulgence had been extended to them that the Scotch bankers had received, a very different result would have ensued. A striking fallacy in the speech of the *rt. hon. gent.* (Mr. Peel) was, that he said there had been no distress at any time during the last century in Scotland. No mistake could be greater. There had been a recurrence of public calamities quite as often as in this country. The solidity of the Scotch banks, in consequence of the great number of partners in them, was a reason why, above all others, they ought to be put under restraint as to the issue of their notes. By dividing the responsibility among so many individuals, the temptation to over-issue was greatly increased. The people of Scotland had suffered as much as any people from excess of paper. Prices had been raised, and the labourer was mulcted of his wages by the over-issues of the Scotch banks. A great deal had been said of the loss occasionally sustained by the English labourer, by the failure of a country bank; but he was convinced that the Scotch labourer suffered a much more severe loss by the depreciation of the currency, resulting from over-issues, because this loss was of longer continuance. Another objection he had to the report was, that it recommended a measure which had never before been heard of—the exclusion of Scotch notes from circulation in England; and that by a penalty against bringing them over an imaginary boundary. If such a law were passed, it would be the most vicious, odious, and detestable in principle, that had ever received the sanction of Parliament. He had often passed the boundary between the two countries without being aware of it; yet this act, which any one might unconsciously commit, was henceforth to be subjected to possibly a severe penalty. The only offence to which this new crime was analogous was that of smuggling. The smuggler, at least, cheated the Exchequer; but the introducer of a Scotch note would be guilty of fraud against nobody. If the new parliament disgraced the Statute-book by an enactment of this character, it would infallibly disgrace itself in the eyes of all mankind. The course now proposed justified, in appearance, all the objections which had been thrown out

against their principles by practical men, and displayed an inconsistency extremely prejudicial to the interests both of England and Scotland. It was, in his opinion, quite impossible to maintain any law upon the subject of the currency in England, unless they made it equally applicable to Scotland. The report was in itself an argument against themselves, and against all those who had, on either side of the house, supported those principles, which the course now recommended would most decidedly controvert.

Mr. *J. P. Grant* denied that it was at all necessary, either from past experience or present emergency, that the currency of Scotland should be on a similar footing with that of England. The result of the inquiry convinced him, that it would be both unjust and injurious to interfere with a system which was found to work so well, and had given so much satisfaction. He thought that the house was not called upon to interfere with regard to Scotland, but that seeing the inutility of the measures proposed for adoption in England, that parliament should proceed to inquire into the expediency of issuing 11. notes for English circulation.

Sir *M. W. Ridley* demanded inquiry on the part of the country bankers, and he was confident, if it was granted, that it would be found no well-conducted bank in England was different from any well-conducted bank in Scotland. It had been said that the capital of this country would pass into Scotland, where a paper currency enabled the business of trade and agriculture to be carried on with more facility, and it was his intention to move early in the next session, for an inquiry as to the difference which might be produced in the trade or resources of either country by the difference of its currency. One thing was certain, that nothing could be done to prevent the paper of Scotland from passing farther than the bounds of that country. In 1797, there were 60 or 70,000*l.* of Scotch notes in circulation in England.

Mr. *H. Gurney* said, that if any new system were adopted with respect to Scotland, distress and ruin, he was convinced, would follow. The exchange on London had the effect of keeping down an over-issue of Scotch paper; so that there was no danger to be apprehended in that respect.

Mr. *T. Wilson* said, that by the exemption of Scotland from the system which was to prevail in England, an undue commercial and agricultural advantage was given to the one country which was denied to the other; and this was the infliction of injustice.

Mr. Alderman *Heygate* thought, that the only difference between the English and Scotch system was, that the latter afforded, from its nature, a superior security. Why not, then, have adopted the better plan in England? Why not have established chartered banks, and required Government security from those who issued 11. notes? With some modification of the principle, there was no English banker who would object to such a system of security.

Mr. *Ellis* said, that for precisely upon the same ground that the committee had excepted Scotland from the operation of the general system, he could have produced abundant evidence to except several of the counties of England. In fact, the distinction now sought to be established for Scotland respecting the currency, was just as rational, as if they were



to introduce one corn-bill for Ireland, another for Scotland, and a third for England. When he had given Government his vote upon the 11. system, he did so after receiving a pledge from the Chancellor of the Exchequer, that the measure was to be a general one; for the rt. hon. gent. had most distinctly stated, that though a little more time might be necessary for the application of the principle to Scotland and Ireland, yet that the regulation of the currency must be one and the same through the three kingdoms. He denied that the exemption of Scotland in the present instance was calculated to serve that country, while the restriction was enforced in England; for in the latter, her surplus produce must be disposed of, and of course its value would be regulated with reference, not to the Scotch, but the British currency.

After a few words from Mr. Cripps and Mr. Marmell, the report was ordered to be printed.

### *Law of Merchant and Factor.*

WEDNESDAY, MARCH 8.—Mr. Huskisson:—The house would recollect, that when his right hon. friend (the Chancellor of the Exchequer) communicated in the last week, that the Bank of England had agreed to advance money upon goods, he had stated that the Bank had done so under the expectation that the alteration in the law of merchant and factor, which was to come into operation on the 1st of October next, as to all advances made upon the security of goods, should, as far as respected these advances by the Bank, come into operation immediately. He now rose to ask leave to bring in a bill to carry that stipulation into effect. The object was to provide, that any goods on which the Bank advanced money, should be considered as pledged to the Bank, though they should turn out to be in other control than that of the party who actually pledged them.—In 1511, when advances of Exchequer-bills were made upon goods for the relief of the distress which then prevailed, there was in the act authorizing such advances, a provision giving to the commissioners appointed to carry it into execution the same security which he now called upon the house to give to the Bank, sanctioning in their favour a departure from the then law of the country, and rendering the lien of the commissioners upon the goods pledged with them preferable to that of any other persons. Having thus explained the nature of the measure, he felt that it was not necessary for him to do any more at present than to move for leave to bring in his bill.

Mr. J. Smith lamented that the operation of the new law respecting merchant and factor did not commence immediately. It had only been postponed till October, to prevent foreigners from being injured by their ignorance of the alteration which it introduced into our system.

Mr. Baring said, that though he looked upon the new law of merchant and factor as an important improvement in our commercial code, he regretted that it was thought expedient to bring in the present bill. When the new law was originally agreed to, and went to the House of Lords, the highest law authority of the kingdom declared it to be his opinion that its operation ought to be delayed till October, in order that foreign nations might become acquainted with the alteration which had been made in the long-established law of England

upon this subject. He (Mr. Baring) thought at the time that the scruple of the learned lord was unnecessary, and that the bill ought to be carried into execution *instantly*. The legislature acted, however, upon a contrary opinion; and therefore it was that he now thought it unwise to accelerate with regard to the Bank of England the time when it was to come into operation. Foreigners would say that because we were in distress, we had shortened the time which we had given them in our prosperity, for making themselves acquainted with the alterations of our commercial code. He thought that it would be much better to leave the Bank to the ordinary remedies which the law gave it. Such a proceeding would be more creditable to the country than any other; and if the Bank suffered any loss by adhering to the law as it stood at present—which he did not consider to be likely—it would be much better for the public to make that loss good than to deviate from general into partial measures.

Mr. Bernal could not look upon this bill with an eye of favour, as he thought that great injustice might be perpetrated by means of it. For instance, supposing that a man had raised money from a banker on the faith of certain goods, and had then gone and raised further money by depositing them with the Bank, this bill would deprive the banker of all security by the protection which it threw around the Bank of England at his expense. He did not see why the Bank should call for such an alteration in the law.

Mr. Huskisson observed, that the case which the hon. member (Mr. Bernal) had put, could not by any possibility occur; for no man could get money on goods, unless he had in his possession that symbol of property which gave him the right of using such goods in the market according to the ordinary practices of trade. Now, if a banker had made advances upon goods, he would have the symbol of property in his possession, and thus the man who had pledged the goods with the banker could not go to the Bank and ask for a further advance of money on the deposit of them.

Leave was then given to bring in the bill.

### *Usury Laws.*

WEDNESDAY, FEB. 15.—Mr. Sergeant Onslow rose to move for leave to bring in a bill to repeal the usury laws. After the repeated explanations he had given upon former occasions of his views upon this subject, he would not occupy their time with repeating them. He must, however, express his regret, that the house rejected his bill last session, because had they taken a different course, and allowed it to pass into a law, the late panic and all its attendant and still attending distresses would have been much mitigated, and in some of the great manufacturing districts many difficulties would have been removed which were now severely felt. He could prove that, in many instances, more than 100 per cent. had been given for money in the city of London, notwithstanding, and in consequence of the operation of the usury laws.

Mr. Davenport renewed his opposition to this measure, and would continue to resist it so long as he had a seat in that house. His firm belief was, that nothing could be devised more mischievous for the landed interest: it would necessarily disturb the whole mortgage system,



affect the property of the kingdom, and substitute a wild plan of theory in the room of useful practical experience. He called upon Government to take a part in stopping the eagerness for introducing such bills, and to look to themselves in time, before a perseverance in error brought ruin upon the country.

Mr. Bright was glad that the bill was thus early opposed. It was essential that the country gentlemen should not be year after year agitated in their minds, and more particularly at a time when they ought to be kept at ease. He condemned in the strongest manner the re-introduction of such a bill as that now submitted for their consideration; it could be productive of no good, and would disturb existing arrangements.

Mr. Irving thought that had this bill been in operation during the late crisis in the money-market, the heavy sacrifices made by individuals would have been lighter than they unfortunately had been (hear hear), and they would not have heard of such enormous sums lost in the attempt to maintain the credit of individuals. He thought, that in place of the present crisis being unfavourable to the introduction of such a bill, it was rather in favour of its wisdom, justice, and policy. At all events, he trusted the house would not take a stand against the bill in this early stage (hear).

Mr. Bennett said, that from a persuasion that money would be easier obtained, and on cheaper terms, after this bill should pass, than it had been hitherto, he should now, as he had done on former occasions, support the measure.

Mr. Sykes said, that it was most unaccountable that gentlemen should think the bill would act against the landed interest. What was the situation of that interest at this moment? By law they were interdicted from paying more than 5 per cent. interest for money; but in point of fact the law was frequently evaded by resorting to the ruinous system of annuities,—a system which had brought some of the noblest estates in this country into complete dilapidation. He supported this bill, because he thought that so far from prejudicing the interests of landed proprietors, it would greatly serve them, and be found most advantageous to their money concerns. All other commodities (for money was only a commodity) were open to the competition of individuals, and there ought not to be an exception for money. On the whole he wished to see the subject in the hands of ministers, and then to have it fully considered by the house.

Mr. R. Gordon said, that the landed interest did not stand in need of the suggestions of the hon. member (Mr. Sykes). He condemned the hon. gents. avidity to assist the interests of the landed gentlemen with new theories; it would be better to allow the country gentlemen to take care of themselves, for surely they ought to be the best judges of what suited their own affairs.

Mr. Wodehouse was decidedly opposed to the bill, because he thought it impossible to calculate the effect it might have upon the landed interests.

Colonel Davies thought, that a provision might be introduced in this bill, to exempt the country gentlemen from its operation (a laugh). They might still be permitted to pay 13 or 14 per cent. upon mortgages, but surely the trading classes might be permitted to borrow money on such terms as they thought more con-

ducive to their interests, than was permitted as the law now stood.

Mr. Monck was strongly opposed to the principle of the usury laws: they tied up the hands of the borrower of money, although they allowed the sacrifice of a man's goods at any rate he could sell them, for the supply of his necessities. Traders and country gentlemen might be very differently situated in their relative circumstances, and what would do very well for the one, might be very disadvantageous to the other. Mortgages upon land were in general given for a long run of years, but a trader's pecuniary wants might be only for a short time, and would therefore justify his paying a different price for the accommodation. One common measure for credit and security was inapplicable. The man who could give the collateral security of land in his bargain, ought to have money on better terms than the borrower who had only his personal security to offer. As to the time of introducing this bill, he thought it rather favourable than otherwise; for the late crisis had thrown great light upon the subject.

Mr. John Smith could state of his own personal knowledge, that during the panic in the money-market last December, enormous sums had been paid for pecuniary loans; indeed, he knew an instance, in which for a very large sum no less than from 74 to 76 per cent. had been paid (hear, hear). This of course had been done by a bargain in selling out stock for money. What, then, must be the state of the law, when such things could be done in spite of its penalties? In fact, if a man wanted money, he would make his own terms for obtaining it.

Mr. Wynn supported the motion; and, in so doing, he felt, that instead of injuriously interfering with the landed interest, he was conferring a great boon upon that body. He had known many instances of the bad effect of the usury laws, and particularly one about ten years ago, when a person possessing one of the largest landed properties in the country had a mortgage which was standing for thirty years. The security was for 40,000*l.*, and 20,000*l.* had been paid off, when the remainder was called in: it was impossible, at the time, to get this sum at the usual rate of interest, and it was borrowed at 9 per cent. by annuities. When the committee sat upon the usury laws, they had before them the evidence of eminent solicitors, who concurred in opinion that the landed interest would be benefited by the change. These usury laws were part of the old statute system, which foolishly sought to regulate the prices of all commodities.

Mr. Calcraft would not pretend to say that casual instances of individual hardship had not occurred, but these could not be remedied by any alteration in the law; nor, while Government paid 6 per cent. for money, could the public expect to borrow at less. His hon. friend (Mr. J. Smith) had alluded to the enormous sums which had lately been paid in the city for pecuniary accommodation; but this was in the gambling transactions of the Stock Exchange, where it was the daily practice to give and take in this illegal manner. This spirit of gambling there was no possibility of stopping; it must go on whatever was the state of the law, and like the games of hazard, *rouge et noir*, and *faro*, be carried on in defiance of every legal enactment. But gentlemen said, why should the trader be debarred



t, merely because it was unpalatable to usury gentlemen. Well, then, let a right in to enable traders to borrow terms they pleased, and not affecting ages of the country. Then, if the law worked well, perhaps the landed gentry would consent to participate in the ex-

At present, however, the only remedy is a bill as this would be generally to the rate of interest. They were of the terrible operation of annuities would still be found even if a bill passed, to fly to annuities to their cravings; but the amount of annuities compared with mortgages, was very small; they were not in a greater proportion as forty to one. So that, were a bill passed upon the notion which some entertained of the subject, they were passing a law for the exception, and not the rule. Were such a bill once passed, it would be that the Bank would permit the loan, which they had now out at 4 per cent, at that rate of interest? Every man who had money out upon mortgage would, as a duty he owed his family, demand better terms. It was a very simple step to bring forward this measure, and matters, so far as the interest of the country was concerned, were in a very satisfactory state. Those who were really interested were perfectly satisfied with the present law, and why, therefore, disturb it? I said, that his right hon. friend (the Earl of the Exchequer) had been too long in most important matters concerning the state of the country, to allow this subject that attention which it required to enable him at the present time to give an opinion upon it. He hoped, that the learned gentleman would postpone his measure,—he did not mean for the present, for a short period,—in order to give it for its consideration. Upon the principle of the usury laws as they were, would not now say any thing further, that whether defensible or not, they had within the last three months been discussed.

It was then given to bring in the bill: the recommendation of the Chancellor of the Exchequer (April 17th) it was afterwards postponed till next session.

TUESDAY, MARCH 7.—Earl Grosvenor presented a petition from certain merchants against the usury laws. He said the petitioners in the view they took of this important subject, and thought that if those laws would be advantageous to the country.

Mr. of Limerick totally dissented from the measure expressed in the petition, and by no means. If any moment more improper could be chosen for suggesting an amendment to the usury laws, it was one like the present, when every interest was suffering. The measure suggested would be most injurious to the landed gentry.

A petition was presented, on the following day, to the House of Commons, by Mr. Mon.

26.

THURSDAY, MARCH 16.—The Marquis of Londonderry laid in his hand a petition from the Chamber of Commerce at Manchester, against the usury laws. Those laws had greatly aggravated the distress which prevailed among the mercantile classes. Few of their lordships could be aware of the great losses which had taken place within the last six months in consequence of that unfortunate attempt of the law of England to fix the value of capital,—to make that fixed which was in its nature unfixed and variable, and which, in defiance of all law, must remain unfixed. The law said, that if persons found it peculiarly necessary to borrow money, they should not do so on terms above the fixed rate. What was this but saying that they might borrow money when they had no occasion for it; but that, when their exigencies required them to borrow, they should not? Thus, in times of great pressure, no means but such such as were illegal were left for raising money, and the law compelled persons in difficulty to resort to the most ruinous terms. This was as inconsistent as it would be to say to a person insuring his life, that no insurance should be effected for less than ten years' purchase. The principle was the same as telling such a person that when he was in good health he might effect his purpose, but that, at a moment of sickness or in advanced age, at any time when insurance became most necessary for the sake of his wife and children, he should then be deprived of the opportunity of taking such a step. The profit on capital must, like every thing else, depend on the relation between the supply and demand: and, if sound principles of commerce were followed, the interest of money would always readily adjust itself to the state of trade. To try to fix it by law, to impose a maximum, was as vain an attempt as to fix the mercury in the barometer. The most advantageous course for individuals, and the best policy for Government, was to allow the value of capital to adjust itself to the wants of commerce.

The Earl of Liverpool had had an opportunity of learning the sentiments of the petitioners on the subject of the usury laws, at a meeting which took place some time ago, when persons belonging to the same body as the petitioners and others applied to Government to learn whether some way or other could not be devised to afford relief to the then existing commercial distress. Those persons assured him that they should not have made, nor would they even have had any pretence for making, application to the Government for relief, had it not been for the circumstances in which they were placed by these laws. The question was one of much difficulty, but the present state of the law could be defended on no sound principle.

### *Corn Laws.*

(Numerous petitions were presented on this subject during the session, of which those only are mentioned which gave rise to such observations as seemed worthy to be recorded).

COMMONS, THURSDAY, FEB. 9.—In reply to a question by Mr. Baring,

Mr. Huskisson stated, that a gentleman had been sent from this country with instructions from Government, to obtain information respecting the corn-trade of those countries in



Europe from which England imported grain. He had returned, after making all the necessary inquiries, and only a few days ago put into his (Mr. Huskisson's) hands a report of great extent on the subject of his mission\*.

MONDAY, FEB. 13.—Mr. *Birch* presented a petition from Nottingham, complaining of the lamentable state of trade, and the distress of the labouring population. He himself had lately visited the place, and could bear witness to the truth of the petition. Skilful mechanics, who before maintained their families in credit, and could allow them, comparatively speaking, luxuries, were now at work on the road for 1s. a-day. They attributed this state of things, in great measure, to the operation of the corn laws. One strong instance of absurdity was pointed out by the petitioners—that of Government attempting to restrain the importation of corn, whilst they were actively engaged in removing all prohibitions from the importation of manufactured articles. The petitioners pointed out the impossibility of competing with the foreign manufacturers, while no competition was allowed in corn.

LORDS, MONDAY, FEB. 20.—Lord *King* presented a petition from the town of Brecon against the landlords' act—the job of jobs—the corn laws. The noble earl (Liverpool) had expressed a hope that this subject, when it came to be discussed, would be considered dispassionately; and, for his part, he was very desirous to attend to the recommendation when the day of discussion should come. The question was—When would that be? In the course of the last session he had been given to understand that the great discussion was to take place in this; but now, when the appointed time had arrived, he found that there could be no discussion until the next session.

THURSDAY, FEB. 23.—Lord *Suffield* presented a petition from the parish of Leeds, in Ashton-under-Line, Lancashire, for an alteration in the corn laws. However much his (Lord Suffield's) interest might be involved, he should not oppose any measure calculated to produce public good. He did not boast of any peculiar disinterestedness. He only meant to express his conviction that it was impossible for any class of persons in this country ultimately to thrive at the expense of the other classes. It was his earnest wish that the question of the corn laws should be strictly examined, chiefly with the view to the obtaining a steady price, and preventing violent fluctuations.

The Earl of *Lauderdale* wished that noble lords would not take the opportunity, on presenting petitions, of making those little harangues, which were more likely to prejudice than elucidate the question to which they related. He, who had also an opinion of his own on the subject of the corn laws, had thought it right to reserve the statement of it until the subject came regularly before their lordships. The noble lord who presented this petition had chosen to assume that the corn laws were not advantageous to the public. Now, if the noble lord looked at the state of prices before the corn laws were passed, and compared them

with what had been their state since, he would find that the country had little reason to complain of the effect of those laws as to price, and certainly least of all with regard to fluctuation. He was convinced that no member of that house would look to any other object in the discussion than the public good. For his own part, he never did, and never would give a vote on any other ground than the conviction that the view he took of the subject best accorded with the general welfare.

Earl *Grosvenor* presented a petition from certain land-owners in the neighbourhood of Stockbridge, Southampton, possessed of property to the amount of half a million, praying that no alteration should be made in the corn laws. For his own part, he thought it would be advantageous to allow the free introduction of corn, subject to such protecting duty as the burdens on agriculture might render necessary.

FRIDAY, FEB. 24.—Lord *King* presented a petition against the landlords' act—the bread-tax, or the corn law, from the operative weavers of Perth.

The Earl of *Limerick* begged to know whether the petition contained any proposition for compensating the landlords on account of the loss they would sustain by an alteration of the law?

Lord *King*.—"No. The weavers of Perth have too much good sense to put so absurd a proposition into their petition."

TUESDAY, FEB. 28.—Lord *King* presented a petition against the landlords' act, from the city of Rochester, in Kent. The people of that county had reason to complain of the corn law, for they had peculiar opportunities of knowing what the prices of provisions were in another country. They could not but severely feel the galling effects of the English law, as on the opposite coast, at Calais, corn was sold at half the price they had to pay for it.

The Earl of *Darnley* wished to put it to the good sense, the good nature of his noble friend, to say, whether he thought the constant agitation of this subject,—whether the seizing every opportunity for remarks of the kind he had just made, could be productive of any good; whether, in the present state of the country, when he knew that what he said would be widely circulated among great numbers who were not able to purchase bread at any price, he could expect any thing but evil from representing their lordships, the members of the other house, and all landlords, as combining to keep up the price of corn, and to starve the poor?

Lord *King* was aware that what he said on presenting those petitions was not agreeable to many noble lords; but that circumstance was with him a strong reason for pursuing it. He was the enemy of the corn laws, and wished to abolish them. Other noble lords were friends of those laws, and it might be a very good way for them to say nothing when petitions were presented, but that way did not suit him at all. On the contrary, he thought it his duty to lose no opportunity of bringing the subject forward, and stating his opinion upon it.

The Earl of *Lauderdale* confessed that the noble lord had a very different idea of the proper mode of debating a question from what he had. Last session the bench of bishops formed his topic. At a preceding period he chose to make the noble lord on the woolstack the subject

\* Mr. Jacob's Report on the Trade in Corn, &c. ordered by the House of Commons to be printed, 14th March, 1826.—*Parl. Paper*, 159.



of his remarks. The noble lord was, however, very much mistaken if he thought this a way in which important questions could be discussed—if he thought that mere sarcasm, and worse than sarcasm, would have any weight with that house. These lordships were told that they wished to starve the poor, and who was it that said so? A noble lord who had raised the question between gold and paper, and who, when gold was not to be had in the country, refused to take payment of his rents from his tenants in other money than gold.

The Duke of Atholl rose to speak to one point connected with the petition from the weavers of Perth, which the noble lord had presented the other day. He could inform the house that a few years ago, when those very people were in distress, no less than 1500 of them were maintained by the landed interest of the neighbourhood, and he had in his possession letters from them which were full of expressions of gratitude for the kindness they had experienced. It was a poor return for these very men now to petition against the persons who had fed them.

Lord King did not know whether the noble duke had maintained 1500 of the Perth weavers or not; but he would perhaps have the opportunity of maintaining 3000 this year.—The noble earl (Lauderdale) had represented him to have caused the passing of the Bank restriction act. There never was a greater mistake, for that act passed, as the noble earl must know, in 1797. The circumstance to which the noble earl alluded occurred in 1811. The noble earl well knew, and if he did not, a noble lord opposite (Bexley) could inform him, that on a certain day of June in that year the then Chancellor of the Exchequer caused to be placed on the journals of the House of Commons a resolution which declared paper and gold to be equal in value. Struck with the absurdity of this proposition, he gave notice that he would not receive paper in payment of his rents, and the consequence of this notice was, that the Chancellor of the Exchequer's resolution was within one month brought to the test. It was then that a noble lord took up the subject, and an act was passed, which, though it could not make paper equivalent to gold, at least prevented the public from getting gold. The noble earl, too, had misrepresented him on another point. He certainly had not said that the landed interest wished to starve the poor, whatever he said of the tendency of their acts. He undoubtedly considered their job as the cruellest monopoly in existence.

COMMONS, THURSDAY, MARCH 2.—Mr. Brougham presented a petition from the operatives of the Staffordshire Potteries, praying for an alteration in the corn laws.

Mr. Robertson contended that there could not be a greater grievance inflicted on the country than cheap bread (hear, hear). Who were to purchase pots if corn became cheap? It was not cheap corn, but good rents, good profits, and well-paid labour that were required to restore the country to prosperity.

Mr. Hume denied the doctrines of the hon. member. Cheap corn would cause the manufactures of the country to flourish, since every person who imported corn would be compelled to take our manufactures in return for it.

Mr. Calcraft referred to his uniform support of the lowest import price, when the question

of the corn laws was before the house in 1815, as a proof that he was not an advocate for high prices. At the same time he thought that those who fostered the prejudices of the country upon this subject, did not take the best mode of advocating their own interests. It was quite impossible to have a low price of corn with a taxation of 60,000,000*l.* a year (loud cheers). It was unfair to say that the country was in the gripe of rapacious landlords, and that the landlords were the only obstacles to its having cheap bread. Give the landlords of England the same chance as the landlords of other countries, and they would sell their corn as cheap. The landlords of this country had long been renowned for their generosity, and he knew of nothing which they had recently done to impair that character.

Sir T. Lethbridge objected to the position that, supposing we permitted the importation of cheap corn, those who imported it must take from us the value in manufactures. The position, he contended, was contradicted by fact: for the corn that had been imported into this country had always been paid for, not by manufactures, but in coin of the country.

Lord Milton said that, until the hon. bart. had given him the information, he did not know that coin was the produce of England. He had always understood that gold was imported into England, and therefore if the corn imported into this country were paid for in gold, that gold must first have been purchased by the manufactures of the country.—Another hon. member, who had put forward the claims of the agricultural labourers,—and really when the claims of the agricultural labourers were put forward in that house, he suspected that the profit of the landlords was the thing really meant,—another hon. member, he said, seemed to think that the agricultural labourers were interested in a high price of corn. He (Lord Milton) was himself a landed gentleman, and he must say that it never could be made plain to him that any class of the community was benefited by the high price of corn except the owners of the land. The farmer was clearly not benefited by it; he obtained the average rate of profit for his capital, but all the excess of the price of corn went into the pocket of the landlord, and of no one else.

Mr. Gooch observed, that every landlord in the house could positively contradict the declaration that the landlord alone was interested in the high price of corn. On the contrary, they were convinced that their interests and those of the manufacturers must go hand in hand. He only wished to see the growers of corn encouraged, because if they were not, 4,000,000*l.* or 5,000,000*l.* of gold must, in the event of a scarcity, go out of the country to purchase corn, and so produce an embarrassment in the currency.

The petition was then ordered to be printed.

LORDS, FRIDAY, MARCH 3.—Lord King rose to present a petition against the most gigantic of all jobs. It came from the working community of Manchester and its neighbourhood, and was signed by 40,000 persons, and he was informed would have been signed by 20,000 more, had it not been for the delay and expense of collecting them. He thought that the character of that house would very much depend upon the result of their determination respecting the corn laws. The public were



good judges, not only of their decisions, but of their motives also. He had no doubt that some noble lords would endeavour to prove that the real interest of the manufacturers and labourers consisted in eating the dearest corn, and in being confined to the narrowest possible market. To him nothing could be more absurd than this; for when the price of corn was dear, the labour of those who consumed it must be increased, as they could not get proportionate wages. There could be no greater injustice than this.

The petition was then read.

COMMONS, MONDAY, MARCH 6.—*Mr. Hume* presented a petition from the weavers of the borough of Pollockshaws, stating that their wages were now only 5s. per week, and that many of them did not even obtain that reduced rate. They therefore prayed the repeal of the corn laws, which of all the taxes paid by the people of England was the most burdensome, and which he could designate properly in no other way than as a bread tax.

*Mr. Bennett* said, that if the protection which the land had enjoyed was not continued, not only would the manufacturers find no market for their goods, but it would be impossible that the most important taxes of the state could be paid. It was by the land that the interest of the debt was paid—the church supported—the poor maintained—and the power of the laws, by which the manufacturing interests as much as any others were upheld, was kept in its due force. It was the great bank upon which every thing was drawn for. In one point of view, indeed, it might be advantageous to do away with the corn laws, because the certain result of that measure would be to get rid of all the taxes together by destroying the only means of paying them.

The petition was ordered to lie on the table.

*Sir R. Wilson* presented a petition from certain journeymen boot and shoemakers, praying for the repeal of the corn laws. He disclaimed any thing like the language of invective or asperity against the landlords of England. He believed that they were generally as benevolent and as prompt in the discharge of all charitable duties as any set of men in the country. He had no other wish than that a fair remunerating price should be paid for corn, but he wished also that the labourers should receive wages in proportion.

*Mr. Calcraft* said, that the effect of the corn laws was quite as beneficial to the manufacturers as it was to the land owners; for the latter, as they were the most opulent class in the community, were also the best customers to the manufacturers. For example, these petitioners, who stated themselves to be boot and shoemakers, had very little reason to complain as they did. If he wanted a pair of half boots, with spurs to them, they would cost him as much as he could sell a quarter of his corn for.—The price of bread bore no kind of analogy to that of corn. He could give no reason for this, but he would undertake to prove the fact. Whether the blame rested with the miller or the baker he did not know, but he was quite satisfied that bread was sold at a rate which was by no means justified by the price of corn.

*Sir M. W. Ridley* :—If the Promissory Note bill should pass, it would soon be found that the price of corn would be as low as the petitioners could wish, while they would find that

their wages would have accompanied it in its fall (hear, hear).

*Colonel Davies* said, that if the country gentlemen would come down to the house and oppose the enormous estimates which were presented to the house, the reduction in the taxes would render the burden of the corn laws so much lighter, that they would not be felt; but while he saw them here day after day supporting the extravagant expenditure of the ministers, he was neither surprised nor sorry to hear the corn laws complained of. The hon. member (*Mr. Calcraft*) only a few evenings ago had voted in favour of the enormous establishment which ministers chose to keep up in this time of profound peace.

*Sir F. Burdett* was of opinion that the distressed situation of the labouring classes arose from causes perfectly distinct from the high price of corn. They laboured under a mistake when they raised the cry for cheap bread. It was very natural for them to do so in their distressed state; but what he complained of was, that gentlemen who ought to be much better informed, should encourage the delusion under which those persons laboured in supposing that with cheaper bread they would still have the same rate of wages as they now received (hear, hear). The manufacturers who expressed so much compassion for the state of their workmen, in the next breath stated that they expected to derive benefit from a reduction of the rate of wages in consequence of a reduction of the price of corn (hear, hear); a reduction which would enable them to come into competition with the foreign manufacturers on fairer terms than at present. It was to be lamented, that any class of persons in this country, or in any part of the king's dominions, should be unable to maintain themselves in comfort by the exercise of their honest industry; but it was not fair to charge such a state of things upon the corn laws, for the purpose of enlisting the feelings of sympathy against that system. Every man in that house must wish that his poorer countrymen were well off—that every one of them had a fowl in his pot, not on Sunday alone, but every day in the week. The sort of declamation, however, to which he had alluded, was idle at the best, and moreover was calculated to excite mischief, and stir up feelings of animosity against the most important class of the country, on whom alone our power depended—he meant the landed interest (cheers). He knew the character of the land-owners—for he belonged to that interest himself—and he could say, with perfect impartiality, that throughout Europe, throughout the world, and even in that portion of the new world which he was inclined to view with a favourable eye on account of its liberal institutions, there was not a set of men to be found who could be compared with the landed proprietors of England for the exercise of all the virtues—and most important ones they were—connected with their situation (cheers). When the question came to be discussed, he should be prepared to support the propriety of a free trade in corn—not because he thought the measure would depress the landed interest—he believed it would have no such effect; if he thought that it would, he would adopt a different line of conduct, for he held it to be necessary that the landed interest, which was the foundation and support of all the other interests of the country, should, if need be, be upheld



He would support a free trade in corn, because he was friendly to the principle of free trade on all subjects of commercial policy, and he believed that the apprehensions which the landed interests entertained of a free trade in corn, would turn out to be altogether groundless.

The petition was ordered to be printed.

**LORDS, THURSDAY, MARCH 9.**—Lord King had a petition to present from the carpenters and joiners of London, who stated that the law which excluded foreign corn injured them by affecting the remuneration of their labour. The real object of the corn laws was high prices, and high prices were not to be had without the exclusion of foreign corn. But by excluding foreign corn, you exclude food. Some people, however, said that this exclusion of foreign corn only caused more to be grown in England. But it could do so in no other way than by forcing bad land into cultivation, and if bad land were forced to produce food, it must be at the expense of additional labour—of labour far more than equivalent to the value of the food produced.—Some persons, however, said, if you alter the corn laws you will do no good, because to lower the price of corn will only lower the price of labour. But this was an erroneous opinion. The price of labour now afforded the labourer only a bare existence, whereas heretofore he got enough, not only for his subsistence, but for comforts. It was certainly true that if corn were cheap, the money price of labour would fall, but its real remuneration would increase.

The Earl of Caernarvon could not acquiesce in the term "job" given to an act of Parliament, which had not been adopted until after the most serious consideration. Parliament might have erred, but if upon due consideration, it should be found that the corn laws were not consistent with the general interest, Parliament would doubtless alter them. But his noble friend should consider what had been the effect produced by the Bank Restriction Act, the operation of which had lasted for 25 years. After the operation of that act had brought into cultivation land which was never before cultivated, and had also brought into existence an immense agricultural population, which would be thrown out of existence by the discontinuance of that cultivation, he did not think that their lordships could suddenly rid themselves of all the consequences of that measure, without producing throughout the country, greater distress than could be experienced by the journeymen carpenters of London, who he believed were as well off as most workmen.—But at the time of agricultural distress, did not persons in trade also suffer? Did they not complain that the home market failed them? This showed how closely the interests of all parties were bound together, and that the present question was one of difficult solution.

**COMMONS.**—Mr. Hume presented a petition from the working manufacturers of Gorbals and other places, in the neighbourhood of Glasgow, praying for an alteration in the corn laws.

Mr. Curwen said, that if permission were given to import corn into the country without restriction, the result of it would be visible in a few years in the production of a famine.

Mr. Peel having objected to the desultory discussions on this subject, which had so fre-

quently occurred of late, in both houses of parliament,

Mr. Calcraft said, that if any evil consequences ensued from such discussions, they must be attributed solely to His Majesty's ministers, on account of the delay which they had occasioned in the settlement of this important question. If the country could once know what Government proposed, there would be an end of all discussions; but it was the uncertainty which produced the inconvenience. It was not, to be sure, difficult to guess from their measures what they intended to do. He had no doubt that the rt. hon. gent. (Mr. Huskisson) meant to approximate the laws relating to corn as much as possible to those which he had established on other subjects—that he would place a protecting duty on corn, and then leave its importation, subject to that duty, unrestricted. But why should this be concealed? Why should not the people be told what it was the intention of Government to do? There had been so many instances (and some of them very recent ones) of the people being reasoned out of their erroneous opinions, that upon a fair statement of the advantages to be derived from a change of the system with regard to corn, he (Mr. Calcraft) had no doubt they would readily concur in it.

Lord John Russell agreed that it would be advisable to have the question settled as soon as might be practicable; but since a delay had taken place, he hoped ministers would avail themselves of it to consider the nature and extent of the burdens which at present attached to the land. Before any alteration could be effected in the corn laws, those burdens must be alleviated, and the agriculturists brought upon the same footing, with respect to the demands upon them, as the manufacturing classes.

The petition was then brought up.

**FRIDAY, MARCH 10.**—Mr. Hume having presented petitions against the corn laws,

Mr. Heathcote, after condemning the language that had been indulged in against the landlords, said, that so far from the corn laws operating injuriously on the lower orders, he might call them a tax for their benefit; since the greater part of the poor-rates were paid by the growers of corn. He should like to know how those rates were to be defrayed, if the grower was to be deprived of a remunerating price.

Sir John Newport said that in Ireland the people were best off when the price of corn was high, and worst off when the price was low. This arose from their not being a manufacturing but an agricultural population.

Mr. Monck observed, that the effect of the corn laws in Ireland was to make the rich richer, and the poor poorer—a result which nobody could call advantageous to that country. He could wish to make Ireland partly an agricultural and partly a manufacturing country; but that could never be done by giving a large premium for its agricultural produce.

The petitions were then ordered to be printed.

**LORDS, TUESDAY, MARCH 14.**—Lord King presented a petition against the corn laws. On the present occasion, he said, he should avoid any of those abstract principles of political economy which had been so much complained of, and would confine himself to history and



plain matter of fact. Turning, then, to history, he must remind their lordships of the period when the corn laws were passed. That event took place in those dark ages of legislation, when it was declared that a 1l. note and a shilling were equal in value to a guinea. Tradition said, that after a very expensive war, which the landlords liked very well, but did not like to pay for it—they took counsel how to avoid that payment. Two ways occurred to them of accomplishing their object. The first was by defrauding the public creditor; the second by taxing the consumers of corn. Now it happened that to the first course the Government objected; and the public creditor was therefore saved, but the consumer of corn was sacrificed. It appeared that at this time a close alliance had been formed between the Government, the landowners, and the clergy. The object of the Government was high taxes; of the landowners, high rent; and of the clergy, high tithes. Now with regard to rents and tithes, the landlords and the clergy were as obdurate as ever; but the Government would break the compact, if they could; for although it was said that high taxes could not be had without high prices, the Government were justly convinced that high taxes could be paid with greater ease, if high prices were got rid of.—In this opinion, as well as in that expressed by the petitioners, he (Lord King) heartily concurred.

TUESDAY, MARCH 21.—Lord King, in presenting a petition against the corn laws, from the parish of St. Luke's, begged noble lords to reflect what the situation of the country would be if the price of corn were to rise considerably. That such an event might happen, was no vain fear. He could state it as matter of fact, that there was at this time less corn than usual in granary in the country,—that the markets were less crowded with supplies,—and that in the warehouses of the metropolis there was less corn than had ever been known at any former period. Now, he would seriously ask the house to consider what the state of things would be were corn to rise considerably before harvest? By such a rise, this country would be thrown into a state of greater difficulty than it experienced in 1796, 1797, and 1801, because the population was now much greater than it had been at that time; and because there had been for a long time past no importation from abroad. Besides, he believed that a sufficient supply could not be at once obtained by importation; for he understood that it would appear from the paper, about to be laid on the table, (Mr. Jacob's Report), that the state of the foreign markets did not hold out much expectation of large importations, and, at least, that they need not be looked to for any sudden supply to a large extent.

Lord Calthorpe thought that it was not for the interest of the landlords to maintain the present corn laws, and that importation, under a moderate duty, would be more to their advantage.—Ministers ought not to hesitate in entering upon a revision of the corn laws; for, if they were defeated in both houses of parliament in the attempt to change the system, that attempt would only raise them still higher in the public esteem. He did not expect that any great difference in the price of corn would be the result of an alteration of the law, but he

regarded an alteration as an indispensable step in that system which ministers had adopted with respect to commerce.

Earl Grosvenor presented a petition, praying for a revision of the corn laws, from the silk-weavers of Macclesfield. The petitioners complained that the principles of free-trade were extended to them, and not to other classes of the community.

The Earl of Malmesbury said, that this question, as to free-trade, stood on a very different footing, with regard to the landlords and other classes: in fact, the protection now given to the landed interest ought to be carried farther. The landlords, with regard to the free-trade, were placed in very different circumstances from any other class. They had never consented to a free trade in corn; neither had they forced a free trade upon other classes, while they had refused to submit to it in their own commodity. He was not favourable to free trade under any circumstances; but he believed the manufacturers and others had no right to complain; for, as far as he recollected, they had consented to the alterations lately made in our commercial regulations. The landlords in general were neither the authors nor the approvers of free trade; and if he had not opposed such measures in that house, it was because he had not heard any body of men complaining that they injured their interest. If any body of men came before their lordships, and complained of any such measures injuring their interest, he would support them in their opposition.

FRIDAY, APRIL 14.—Lord King presented a petition from Preston, against the corn laws—against the pauperism price of corn, which was 60s. the quarter—and against the famine price, which it reached, when it got to 70s. and upwards; and this price he fully expected that corn would this year reach. When the price of corn and labour in France and Germany was less than one half of the price in this country, by what magic could our manufactures be prevented from being transferred to places where there was security for property, and where the profits of industry would be great in proportion as wages were lower? What right had the members of the legislature to persist in maintaining a system of laws, which must condemn this country to all the miseries inseparable from a declining state of society?

The Earl of Lauderdale observed, that if the noble lord knew any thing of the history of the corn laws, he could not stand up in that house and assert that the object of those who wished to maintain those laws was to give dear bread to the poor. In the reign of Charles II. the protection against foreign corn amounted to 8l. the quarter; and from the years 1760 to 1775, when not a particle was imported, but when 600 quarters were exported, the price of grain did not exceed 33s. the quarter. Upon a fair examination, the noble lord would find, that the maintenance of what he called the dead-weight was the way to get cheap bread to the country. The noble lord was equally wrong, when he said that the price of labour depended on the price of grain. The price of labour, like the price of every thing else, depended upon the supply and demand. If the noble lord referred to documents which were before the house, he would learn that in those years when grain was dear, labour was



generally cheapest; and *vice-versâ*. On a former occasion, to illustrate this principle, he sent to Glasgow, and got the price of weaving a certain article for thirty years, and compared it with the Windsor price of wheat. The result was, that precisely as corn rose, the price fell. This was not the case with manufacturing labour alone,—the principle applied equally to agricultural. A Mr. Mill, who had been examined before a committee of the house, had stated that in enclosing a farm, the portion of work which in a cheap year cost five shillings, he got done in a dear year for half-a-crown.—Instead of meeting the question on its merits, the noble lord chose to heap aspersions on a body of men distinguished for their generosity, who had made a more generous provision for the poor than any other men, and whom the noble lord nevertheless chose to stigmatize as grinding the poor.

**Lord King** :—When the noble lord (Lauderdale) said, that a protecting duty of 5*l.* the quarter made corn cheap in the days of Charles II., he should have recollected, that then plenty of good land lay uncultivated, and that there was not one quarter of the present population. At such a time the protecting duty would make good land be cultivated; and as cultivation was extended, corn would become cheap. Now, on the contrary, all the good land in every part of the country had long been in cultivation; and the evil of the corn laws was, that bad land was resorted to for raising corn, and labour uselessly thrown away on its cultivation. Another crotchet of the noble lord was, that dear corn made labour cheap. The price of labour might not correspond with the price of grain in a particular period, but always accommodated itself to it in a series of years. If it did not,—if there was not this relation between food and labour, then those who made corn dear, knowing that labour was at the same time to be cheap, were guilty of tenfold more injustice and cruelty to the poor, than he had ever ventured to impute to them.

**TUESDAY, APRIL 18.**—Lord *Callthorpe* presented a petition from the merchants, manufacturers, and other inhabitants of Birmingham, praying for an amendment of the corn laws. He regretted much the disposition to procrastinate which ministers had manifested on this subject. Their conduct was, in this point of view, most invidious toward the landed interest. It was plainly saying to them—"You are so obstinate and ignorant, that it is impossible for us to hope to convince you of what is fair and just; we are therefore obliged to delay a measure which we consider necessary." He did not consider this slur on the landed interest just; but such was the inference to be drawn from the conduct of ministers. He wished the noble lord (Liverpool) to reflect on the mischief which might arise from his procrastination, if the quantity of corn in the country should prove deficient.

The Earl of *Liverpool* said, that he had lived long enough to know the necessity of looking to times and circumstances in bringing forward particular subjects. In this way he had looked at the corn laws, and had at an earlier period of the present session no difficulty in saying that he did not think this a time in which that question could be with propriety brought under consideration. This was an opinion in which

his friends who acted with him concurred, and which was very generally acceded to by all parts of the house at the time when it was stated.

—It was said, that in commencing the system of free trade, the Government should have commenced with the corn laws. It did not, however, necessarily follow that those who approved of the principle of free trade should think that in carrying it into practice the experiment should first be made on the corn laws. It was his wish to bring this subject under the consideration of parliament at the time at which he thought it could most advantageously and conveniently be discussed; and it was for him to exercise his discretion as to whether this was a time when the interests of the country required him to propose any measure relative to those laws.

**COMMONS.**—Mr. *W. Whitmore* rose for the purpose of bringing forward a motion regarding the corn laws.—He was aware that the agitation of this subject at the present crisis, when distress and famine were abroad, and when the want of employment and the dearness of provisions combined to create much suffering, was attended with considerable difficulty and inconvenience. On the other hand the good which would ensue to the country at large by the success of the measure which he meant to propose, would outweigh the danger to be apprehended from the discussion of the question.—He would endeavour to compress his statement into as narrow a compass as possible; but considering the variety of topics which it must necessarily embrace, he confessed that to be brief, and at the same time clear and satisfactory, was his greatest difficulty (hear, hear).—He should first consider the question in reference to the system of free-trade. He trusted it was unnecessary for him to dwell on the importance and advantages of that system; but could they in consistency, in policy, or in justice, refuse to carry those principles into execution with respect to the trade in corn? If they did, they would make themselves the laughing stock of the world, instead of an example to be imitated by all other nations (hear, hear). Government were pledged to carry those principles into complete execution; the house was pledged—every man who had voted in the majority of the division on the Silk Trade question this session, was personally pledged to this course. With what colour of justice or policy could the house now turn round and say, "We have deliberately sanctioned these principles, but we will not proceed to apply them to other and greater interests (hear, hear). He was convinced that if England would really act upon principles of free-trade, and extend them to the trade in corn and sugar (hear, hear), foreign nations, for their own security, must follow the example; and he must take leave to say, that no question had ever come under the consideration of the British parliament in which foreign states were more deeply interested than that to which he now prayed attention. The corn law which we passed in 1815, had inflicted upon foreign countries—upon Prussia, Poland, and Germany—a greater evil than the anti-commercial, anti-social system of Bonaparte himself (hear, hear). He held a report in his hand, stating the views of a most respectable individual (Mr. Jacob) who had been sent out, very laudably, by the Government to those countries, to collect infor-



mation on this subject; and that information fully bore out the assertion, that England, professing to act upon liberal principles of commerce, and calling upon other countries to adopt her system of free trade, had passed a law the most extravagant that ever was submitted to an enlightened legislature, a law which inflicted upon those countries a greater evil than even the Milan Decrees (hear, hear). Mr. Jacob said, "he had found every where the landowner and corn-merchant in the deepest distress; and this distress was too general, to allow the suspicion that it was not well-founded." Last year he (Mr. Whitmore) had stated to the house, that there was a falling off in the quantity of corn produced; and he had also stated, on good authority, that a considerable change had taken place in the state of culture in Poland. Mr. Jacob stated, that "a great change had taken place in Poland; much less wheat was cultivated, and more sheep were fed; and the great majority of farmers and landowners were nearly reduced to ruin." Another part of the report indicated the great distress of Poland, namely, that the Crown lands, which were less heavily taxed than any other, and which ought consequently to produce higher rent, had considerably diminished in value. There was one instance of Mr. Jacob's own observation, which was well worthy the attention of the house—"A nobleman, the proprietor of a large demesne, had let some lands about six years ago, at the yearly rent of 850*l.*; at the period when Mr. Jacob was there, the lease having expired, the landlord was obliged to let to the same tenants, no others being to be had, the same lands, amounting to 7000 acres, for 170*l.* a year" (hear, hear). He might multiply details on this subject if it were necessary, but he had adduced enough to shew the great depression in the corn trade which existed in Poland and other countries.—Having stated his view of the subject as bearing on the principles of free trade, he should now proceed to shew that experience had sanctioned the inference that the country had always prospered best when restrictions, such as those existing at present, were not in being. In the first place, then, he would be justified in stating, that from the period of 1773 to 1815, there was virtually a free trade in corn. If gentlemen had examined the subject, they must know that the law of 1773 contained three duties; one high, the other two low; the first being a duty of 24*s.* 3*d.*, which was charged only when corn was as low as 30*s.*; the second duty was 2*s.* 6*d.*, payable when the price of wheat was 44*s.*; the lowest was 6*d.*, payable when the price was 48*s.* Thus the law continued till the year 1791, and it was obvious that in very few years, could the higher duty have been paid at all—in fact, it never was paid; for the prices were so low, that no importation of corn could have taken place if there had been no corn law at all. In 1791 the law was altered, whereby the import prices were changed. The first duty continued as before; but the second was charged when corn was at 50*s.*, and the third when it rose to 54*s.* With the exception of two years, from this period to 1804, corn might be imported at 2*s.* 6*d.*, and more frequently at 6*d.* duty. In 1804 the highest duty was imposed, when corn sold at 46*s.*, the second at 60*s.*, and the lowest at 66*s.*; but the price at home continued so high, that from that period up to 1815 the low duty was charged. During this period, from

1773 to 1815, what had been the progress of the country, in arts, manufacture, in commerce, in population, and in wealth? Had she not made advances in all these, unexampled in the history of nations? Was he not, then, justified in saying that a free trade in corn, or what was almost equal to a free trade, might be carried on without injury to the agricultural classes? For let it be remembered, that waste and poor lands were yearly brought into cultivation. These considerations, if maturely considered, would tend to allay the alarms of those who feared that the power of importing corn at a low duty would throw the poor lands out of cultivation, those very poor lands which were brought into cultivation when foreign corn was imported at a duty merely nominal.—He now came to a part of the question which he touched with great reluctance, nor would he dwell upon it at that length which the documents in his hands would justify. One of the most unfortunate consequences which had flowed from the corn laws, was, not only the total destruction of the external trade in corn, but a severe blow had been given to the internal trade. He had been reproached with having predicted fatal consequences as likely to result from the corn laws long ago. He had stated in 1823 and 1824, and he repeated it now, that if they should persevere in the present system, it was possible that at some future period, he would not say when (cheers and laughter from the country gents.)—if the house would condescend to hear him to the end of his explanation, they would better understand his meaning. He stated in 1823, and he repeated it now, that from an absurd perseverance in the existing system, the most fatal effects must follow. The data on which he then went were most correct, and the more he considered them the more was he convinced of their accuracy. It would not of course be expected, that he should point out the exact time when these results were to happen. It would be sufficient if he showed that the direct tendency of the corn laws in their operation on the external and internal corn trade of England was to produce an insufficient supply, should there be unhappily a failure of the home crops even for one season. The general practice of the corn trade at home was to reserve a stock on hand. This stock might on the average be calculated at four months' consumption of the whole country, or about 4,000,000 of quarters. He took the general average of consumption of the year at 12,000,000 of quarters, and adding 1,000,000 for seed, the whole annual consumption might be taken at 13,000,000 of quarters. Now a country setting out with this quantity of 4,000,000 of quarters on hand, and being made to depend almost wholly on its own supply, might at no very distant period be so run out as to have that stock exhausted. The advantage of having the stock at all would be to make the surplus of one year meet the deficiencies of another. Those surpluses were in general reserved by the speculations of persons extensively engaged in the corn trade, whose utility to the country was inestimable. Now if circumstances occurred which should cause the leading speculators in corn to decline the trade, that would have the effect of causing a gradual diminution of the stock in reserve, as the same care would not be taken to provide for an apprehended scarcity. But these circumstances had in part occurred, and were in progress at



the present moment. It could be proved that there was a gradual decline of speculations in corn, and it must be the case; for when there was a gradual and continued decline in prices, the speculators must necessarily lose. This was the case during the period of agricultural distress; and the following scale of prices, from 1817 to 1823, would shew that the speculators in those years must have lost considerably. The average prices of the quarter of wheat were in

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| 1817 . . . 94s. 0d. | 1820 . . . 65s. 10d. |
| 1818 . . . 83s. 8d. | 1821 . . . 54s. 5d.  |
| 1819 . . . 72s. 3d. | 1822 . . . 43s. 3d.  |

In 1823 prices rose; but besides the effect of the losses of the preceding six years, there were other causes which made the corn-merchant disinclined to speculate—his apprehension of a change in the present corn laws, from a conviction of the necessity of such a change, and the quantity of foreign corn in bond. Corn in bond might be bought at from 20s. to 30s., while that in the market could not be bought for less than 50s. or 60s. Of course, in the uncertainty as to what might be done about granting a free trade, a merchant would choose rather to speculate in the cheaper article; because if a change took place in the corn laws, his speculations in the cheap corn would be successful, while in the high-priced they would be ruinous. He (Mr. Whitmore) had made inquiries on this subject from some of the most respectable persons in the corn trade; and he was assured, that from the causes he had mentioned, the speculations in corn were few, and to a very small extent, compared with former years. All those with whom he had consulted seemed to be firmly convinced that the operation of the corn laws of this country had not only destroyed the external trade in corn, but had given a blow to the internal trade, from which it would with difficulty recover; but from which there was no chance of its recovery, if the laws were allowed to remain in their present state. Now if this were so, we might come upon a period of positive deficiency in the harvest, and what then would be the situation of the country, when from a change in the culture of land abroad, we could not hope for any supply from those places to which we usually had recourse in times of such difficulty? He did not mean to say that such an event was to be expected immediately. That would be too bold an assertion for any man to hazard; but he confidently stated, that we were now in a situation in which a sudden deficiency of even one harvest might be attended with most disastrous effects. The stock in the hands of dealers was, he had reason to believe, very low. As to the farmers, he knew little about them, but any thing that was known of their transactions in corn afforded no proof that the stock in the country was not low. It might, and he hoped it would happen, that the approaching harvest and the next after that might, by abundant crops, considerably add to the stock in hand, but still we should be in a state, living as it were from hand to mouth, and placing ourselves in circumstances of great peril, which would be increased every year that we allowed to pass without a change in our present system. He now came to the alteration which, in his opinion, ought to be made, and which he had suggested last year. Without going into all the details which might be necessary if a bill were before the house, he would suggest that a pro-

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tecting duty of 10s. per quarter should be allowed, conjointly with another, but a temporary measure, increasing that duty, should the price in the home market be at once considerably reduced. He would suppose the price in the market 55s.; the general and permanent protecting duty would be 10s.; but the temporary measure would increase the 10s. to 15s. on foreign corn, when English wheat was at 50s. When at 45s., he would increase the duty to 20s.; and when corn sank to 40s., he would have the duty 25s.—He must observe, that the corn laws of this country had produced restrictions on trade in other countries. This was the case in France, Spain, and Portugal, the markets of which, when our ports were shut, were glutted with corn which would otherwise have reached our ports. Now, to prevent even the chance of a sudden glut from arising while the proposed change was being made, and to allay the fears of the agriculturists, he would recommend as a temporary measure, a still higher duty than he had mentioned. It was said, that if the ports were opened, we should be deluged with foreign grain at one time, and half-fed through scarcity at another—that agriculture in this country would be ruined—that we would be totally dependent upon foreigners for support; and that those foreigners would create artificial scarcities in time of peace, and afford no grain for subsistence in time of war. To prove the absurdity of these assertions, and particularly that relating to the extent of the probable importations, he would take leave to refer to the evidence of the state of the country in former times; and that such evidence might be more satisfactory, he would take those years when the greatest scarcity was said to prevail. The period to which he alluded comprised the whole time from the year 1800 to 1820, inclusive; but he would take five remarkable years, in which the scarcity of grain was felt most severely, and of course the importation from foreign countries was the most extensive; these were the years 1800, 1801, 1810, 1817, and 1818, when prices rose to an unusual and appalling amount. In 1800, the average price of grain in this country was, per quarter, 110s. 5d.; in 1801, 115s. 11d.; in 1810, 103s. 3d.; in 1817, 94s.; in 1818, 83s. 8d. In consequence of these high prices, foreigners were induced to send into this country, or there were imported on speculation, during the years above mentioned, the following quantities of grain:—in 1800, 1,264,000 quarters; in 1801, 1,424,000 qrs.; in 1810, 1,567,000 qrs.; in 1817, 1,089,000 qrs.; in 1818, 1,694,000 qrs. If they took the amount of the importations of these five years out of the whole amount of the twenty years to which he alluded, they would find it amounted to between six and seven millions; while the extent of the importation for the whole period was only 12,577,000 qrs. In three years of scarcity and high prices, therefore, when they drew the whole supplies of grain required beyond their own production from the whole extent of the continent of Europe—for it should be recollected that the high price stimulated every country in the world to send grain to the English market—the annual average of importation of the whole period was 598,906 quarters; while the average price was 84s. 6d. per quarter (hear, hear).—When discussing the question of the corn trade, with relation to the whole world—a way in which, from what he had stated, he felt fully empowered to



consider it—it appeared that the poor countries alone exported those quantities of grain which were required in times of scarcity; while in the rich countries, such as the United States, the quantity was so trifling, compared with the whole importation, as to be scarcely worth mention. Rich countries were indeed only tempted to part with their grain from an extraordinary price to be obtained in this country; and it was worthy of remark, that those rich countries never yielded to that temptation without suffering great inconvenience, if not downright scarcity themselves, from the obstruction of their own ordinary supply. Any tendency to such importation, produced an immediate and decided rise in the country. To prove that assertion, it would be only necessary to look at the average importation from all the countries of the world which supplied England with grain, during the years from 1800 to 1820. The annual average import of wheat between 1800 and 1820 (which, it should be observed, formed the ground of all these calculations) was, from Russia, 66,573 qrs. 6 bushels; from Sweden, 12,275 qrs. 5½ bushels; from Prussia, including Poland, 204,667 qrs. 5½ bushels; from Germany, 87,092 qrs. 5 bushels; from the United States, 87,376 qrs. 6 bushels; from Canada, 23,040 qrs. 4 bushels; from Holland, 40,033 qrs. 5 bushels; from Flanders, 29,530 qrs. 1 bushel; from France, 23,071 qrs. 2 bushels; from Denmark and Norway, 18,956 qrs. To satisfy the house of the difference in the exportation of grain between a rich country and a poor one, it would be sufficient to look to the average importation from France, the richest country, during the years alluded to. If they deducted from the importation of France in twenty years the amount of the year 1810, there appeared to have been imported, on an average, only 12,000 quarters per annum. From Germany too, the next rich country, if they deducted the amount received in the year of scarcity he had mentioned, the average was only 42,800 quarters. So that it was the poor country, and the poor alone, which furnished that supply of grain which the wants of this country required—a further proof, if any further was necessary, of the policy of that less fettered importation of grain which he hoped to see the house ere long adopt, as an uniform principle of the commercial regulations of the country. Turning to that portion of the valuable report of Mr. Jacob which treated of the exports from Dantzic and Elbing, he found that the calculations extended over a period of 166 years, in which the annual average of wheat and rye exported was stated at 279,794 quarters; and that surplus, he (Mr. Jacob) observed, might be considered as forming the nearest approach that could be made to what was the usual amount of the production of corn, in those countries, beyond the consumption of the inhabitants, when no incident occurred to excite or check cultivation. The fact seemed to be, that when the price was high in England, the farmers of the various countries all over the continent were induced, by the additional demand, to send their grain to the English market; but it was the extraordinarily high price which gave the stimulus to such a speculation; and unless that high price existed, it was nearly impossible that any encouragement could be afforded to exportations, unless in the immediate neighbourhood of the great navigable rivers; and he was the more confident in such an assertion, when he looked at the

proofs of the innumerable difficulties thrown in the way of the transportation of grain, as well as the expense and loss necessarily attendant upon it. Indeed, after the most laborious investigation of the different returns, he had no hesitation in saying, that if the average price in this country was from 55s. to 66s., they could never expect a larger quantity of grain to find its way to this market than the 400,000 quarters which formed the overplus of the maritime countries and those districts near the navigable rivers; and when they considered the consumption of the country to be thirteen millions, as he had proved before, he could not find any just grounds for the apprehensions entertained upon the subject of an immense quantity of foreign corn being poured into the country, even if the price continued as low as at present. The price in the ports of the Baltic, for common grain, was stated at 13s. a quarter; but could any man say that such a price did not proceed from the total derangement of trade? and was it not evident that its continuance, for any length of time, would have the effect of turning all the capital employed upon the cultivation of wheat into some different channel? Men would grow flax—they would sow rapeseed—they would cultivate wool, or employ their land in any other way which might bring in a better rent, or raise a more profitable produce; for it was with agriculture as with manufactures. In the manufacture of woollens or cottons, if the supply became too abundant for the demand, the manufacturer would gradually diminish the quantity, until he ceased altogether to produce that particular commodity which was depreciated in price; but he could not instantly apply machinery which had been erected for one purpose to the execution of another. The agriculturist, on the contrary, could immediately turn to some other species of production, and he felt convinced that, unless in consequence of some extraordinarily high price in England, the grower of wheat on the shores of the Baltic could not be much encouraged to exceed the fair estimate of the consumption of his own country. From the details of Mr. Jacob, it appeared that the inferior quality of wheat—that quality which was not exported, unless in time of great scarcity—could not be sent even from the maritime provinces of Prussia under 43s. a quarter. He states the first cost to be, including all charges, about 24s.; which, with rent, freight, insurance, and other charges, would bring it to the English market for about 43s. That was, he begged to be understood, for the very inferior kind, and from places quite accessible to water carriage. But the better kind, and that usually sent to this country, when the ports were open, could not be landed in England for less than 48s. a quarter, in a time of no peculiar demand. But it was not alone the ordinary expenses which were to be taken into calculation. No demand for grain ever continued for more than six days, without increasing the amount of freight and the price at least forty per cent.; and, if the demand continued for twelve days, it would exhaust, as he had already shewn, the whole stock of grain which could be brought into market. Mr. Jacob, to whose invaluable report he had so often referred, stated, most distinctly, from a consideration of these circumstances, that, if a duty of ten or twelve per cent. was imposed upon the importation of corn from Poland, it would, in his opinion, put an effectual stop to



the importation of grain from Poland, except in extraordinary seasons; and it should be recollected that he stated that, after the most laborious investigation of the subject, in compliance with an order from the Lords of the Treasury, requiring him to turn his attention to the grain trade of Poland, that he might be able to say what would be the probable supply if the price in this country was 60s. or 64s. The words of the concluding portion of that report were so conclusive upon the subject, that he would take leave to read them to the house:—  
 “If a duty in this country of 10s. or 12s. a quarter was imposed, it would not allow of such a profit on the supposition of the price being from 60s. to 64s. as to induce any great exertions to increase cultivation in the districts bordering on the Vistula. The chance of a rise occasioned by war, by a winter so severe as to injure vegetation, or by a rainy harvest season, might induce those of a speculative turn to increase their growth of wheat; but those who have that turn, and have the means of indulging it, are so few, that they would produce no sensible increase in the general surplus.—I see no reason to believe, that with such a duty as I have mentioned for England, and a price of from 60s. to 64s., and with some similar regulation in France, that the surplus corn produced in Poland, including all the countries bordering on the Vistula who send their corn to that stream, would materially increase in common seasons, or very much if at all exceed the average produce of that country. The greater part of this might probably be wheat; and if the duty was alike on all the various qualities of that grain, none would be sent here, but that part which is the driest, heaviest, and whitest. The inferior descriptions would not pay for importation, unless the average in England was much more than 64s.” This opinion upon a free trade in corn, from an individual who was once decidedly hostile to any such freedom, must be allowed to have the greatest weight. He had recorded his opinions in opposition to any such measure, in a work published in 1814—he had expressed his continuance in the same conviction before the committee of 1821—and it was therefore a proof both of his sincerity, and of the force of the facts which had come under his knowledge during the period of his inquiries, that he had, in the very face of all his former declarations, given such decided testimony in favour of a system directly opposed to that which he had formerly advocated. The present average price was about 58s., but he (Mr. W.) had no hesitation in declaring that the agriculturists—and he was himself an agriculturist—would be well protected at an average price of 55s. If the price was lower, the income from land would become still more available; and he put it to the landed proprietors whether the regular payments of such prices, and the comparative cheapness of every thing else, would not be preferable to a kind of income, which, though it might be nominally high, they received but with the right hand to pay it away with the left (hear, hear). He would ask them, whether the security to property, the advantage bestowed on manufactures, the general activity given to the whole commerce of the country, would not amply compensate for a nominal amount of rent, which produced no real benefit to those who received it. For his part, so long as he had a seat in that house, he would continue to raise his voice

against a system which he had periodically held up to their condemnation, and which he hoped yet to see give way before the united force of reason and sound policy. He concluded by moving, “That the house do resolve itself into a committee of the whole house, to consider of the present state of the corn laws.”

Mr. Philips, in rising to second the motion, said that it was expected by the manufacturing interests, that if there was to be a free trade in manufactures, there should also be a free trade in corn. He conceived that the doctrine of free trade ought to be applied to grain rather than to any other commodity. Some commodities were wanted only for luxury, others only for convenience; many were not of paramount importance, and many could be entirely dispensed with. Grain, however, was indispensable to human existence, and was one of those articles which it was impossible for a nation to do without. Besides, the tendency of manufactures was to become cheaper as the demand increased; whereas the tendency of grain was to become dearer in proportion to the quantity of new land brought into cultivation. The high price of commodities, too, might exist without producing any considerable effect upon the rate of wages: whereas a high price of corn led either to a great increase in the price of wages, or to the starvation of the labouring classes. It was said, in defence of the corn laws, that the agricultural interest was subject to heavy taxation. If such were the fact, he would say “place upon foreign corn a duty equal to the amount of that taxation.” But was the agricultural the only interest in the country which laboured under taxation? The legacy duty applied to personal property only,—the stamp duties fell almost entirely upon legal and commercial men,—not to mention a variety of duties which affected the commercial interest exclusively, and from which the agricultural interest was completely free.—It had been said, by an hon. member (Mr. Curwen) that more labour was expended in the production of corn than of manufactures. His hon. friend had told him, that according to his (Mr. Curwen's) calculations, the labour employed in the production of agriculture constituted 20 or 25 per cent. of its value, and that the labour employed on manufactures constituted a much less part. He would not pretend to speak decisively upon every species of manufacture; but he would inform the house of the result of his calculations in the cotton-manufacture. The value of the cotton manufacture he would take in round numbers at 24,000,000l. Now, the value of the raw material, including the expense of freight and duty, constituted 6,000,000l. The expense of dyeing, bleaching, furling, &c. the material, the wear and tear of the machinery, cost of keeping it in repair, together with the interest and profit on the capital so employed, amounted to 4,000,000l. He had thus accounted for 10,000,000l. out of the 24,000,000l.; the remaining 14,000,000l. consisted entirely of labour; so that the labour expended on the cotton manufacture, instead of being only 20 or 25 per cent., as in the productions of agriculture, was full 60 per cent. He made this statement to prove the fallacy of the position laid down by his hon. friend; but even if the position were correct, it did not deserve the importance which his hon. friend seemed to attach to it. If the value of a commodity were to be estimated from the quantity of labour expended upon it,



and to show he said was which was brought into circulation. The greater would be the advantage to the poor was bestowed upon it the amount of taxation, and to make the ruling of taxation would turn out a very profitable speculation, a laugh. He had been taught to be sure that the great object was to obtain the comforts and accommodations of life with as little, and not with so much, labour as possible. According to the statement he had just offered to the house, 14,000,000*l.* of the capital employed in the cotton manufacture was employed in the payment of labour. Of this sum he conceived that 4,000,000*l.* were paid by the labourers for nothing, furniture, and various other articles of necessary use, in which, however, food was not included. The labourers had then 10,000,000*l.* left for the purchase of food. His hon. friend Mr. Curwen admitted, he believed, that the exclusion of foreign grain from the markets of this country raised the price of corn 50 per cent. Now if food was raised to the labourer 50 per cent. it was clear that the labourers in the cotton trade paid a tax of 2,000,000*l.* for the benefit of the landlords. His hon. friend Mr. Curwen thought the protecting duty proposed by his hon. friend Mr. Whitmore insufficient, and wished for a duty of 2*l.* per quarter upon wheat, and 1*l.* 6*s.* a quarter upon barley. In order to show the effect which his hon. friend's proposal would have upon the circumstances of the country, he would take the protecting duty in both cases in round numbers—the first at 2*l.*, and the last at 1*l.* An hon. member Mr. Western had published a speech on the corn laws, and had rejoined to it a calculation made on the supposition of a smaller population than that which was proved to exist in the country by the late census. He had calculated the quantity of wheat consumed to be between 90,000,000 and 100,000,000 quarters. He Mr. Philips would now take it at 10,000,000. The hon. member Mr. Western had taken the consumption of every other species of grain in the United Kingdom at 80,000,000. Now, it was proposed to add on these two quantities a duty of 2*l.* and 1*l.* a quarter respectively. The result of such a measure would be to add 10,000,000*l.* to the price of wheat, and 16,000,000*l.* to the price of every other grain, thus making the people pay 26,000,000*l.* for the benefit of the landed interest class of no not. He did not mean to say that the people actually paid that sum; but that the proposal of the hon. member Mr. Curwen would inevitably lead to such a conclusion. Gentlemen might laugh, if they so thought fit, when the object of their schemes was thus unfolded to them; but laughter was not argument any more than contradiction was refutation.—He believed that the effect of repealing the corn laws would be much less than one class of the community was accustomed to hope and another to fear. He did not believe that the agricultural interests of Great Britain were so incapable of competition with those of other countries as they had represented themselves to be. Mr. Jacob had stated that the system of agriculture in this country, compared with that on the continent, exceeded it in the proportion of seven to five. He had stated further, that whereas 4-5ths or 9-10ths of the population were employed on the continent in the production of food, not more than one-half of the population was so employed in England.

In fact, the late population returns proved that not more than one-third of the population was so employed. If, then, our system of agriculture was so superior to that of the continent, could the house suppose that our agriculturists had any just reason for apprehending the competition of foreign nations?—Whilst he was upon this subject, he must beg leave to notice an argument which he had often heard urged in favour of protection—that the landed interest paid all the poor rates. Now it was not quite clear that the premises were correct from which the conclusion was drawn. He had in a former session moved for certain returns to show the proportion in which different sorts of property contributed to the poor rates. Those returns had since been made, but inaccurately. They were sufficient, however, to prove that out of 6,000,000*l.* of poor rates, more than 2,000,000*l.* were assessed on other property than land. These returns, he said, were inaccurately made, because it was the custom in some counties, and those agricultural ones, to pay wages out of the poor rates. In the manufacturing counties this was never done; and that was the reason why the poor rates in Lancashire were only 4*s.* whilst those in Sussex were 2*l.* in the pound. In the one case liberal wages were paid by those who benefited by the labourer; in the other, the labourer received part of his wages from the rates—a measure which was calculated more than any other that the ingenuity of man could have hit upon to degrade and demoralize the peasantry of England.—He was happy to find that the repeated discussions which the house had held upon the corn laws had been productive of one change at least. In 1814 and 1815 every person who opposed himself to the corn laws then proposed, was put down as an enemy to the agricultural interests; and he well recollected that his lamented friend Mr. Horner complained that any member who spoke against them was not even heard with common patience. It was then maintained that no gentleman who was not engaged in agriculture could be a proper judge on the subject. He (Mr. Philips), however, had no hesitation in asserting, that those whose property was vested partly in land, and partly in commerce, were the best qualified to judge on a question which was partly of an agricultural and partly of a commercial nature.—No change in either the foreign or the domestic policy of the country could add so much to its wealth, and to the comforts of all its inhabitants, or could tend so much to the improvement of its manufacturing, and even of its landed property, as a free trade in grain. For a time it might, perhaps, injure the agriculturist; but ultimately the increased wealth of the country would produce increased comforts—increased comforts would produce an increased population, and that increased population would produce an increased demand for agricultural produce, which would greatly enhance the value of every landed estate in the kingdom. Such a free trade would prevent those fluctuations of prices, which were as injurious to the agriculturist as to every other class of the community. If the motion of his hon. friend should not be carried that evening, he hoped that the rt. hon. gent. (Mr. Huskisson), in the next session of parliament, would recollect the pledge which he had given to the country in the last, and would come forward with some measure which should have for its object the adoption of a free trade in grain.—Though he



led the motion of his hon. friend (Mr. ), he did not approve of all the details of the plan. He wished to get rid of the averages, because they led to an use of fraudulent intrigues. He would retecting duty of 10s. per quarter, to a fixed system of averages (hear, hear). do, Mr. Tooke, and Mr. Blake, the sent authorities on this important sub- of opinion that a protecting duty of r quarter, would be an adequate pro- the agricultural body, for the land ities, and the poor's rates. He was a that 10s. would be sufficient; but willingly enlarge it to 12s., if by so could conciliate the sentiments of who were opposed to him on this and not only to him, but also to their idual interests (hear, hear).

Whitmore:—"Sir, I do not rise for the following my hon. friend (Mr. Whit- er the vast field which he has discuss- purpose in rising at all is rather to hon. gents. from entering at present discussion of this important subject. on why I am anxious that such a dis- should not be engaged in is, because I ensive it can only terminate in in- and embarrassment (hear, hear). at take leave to observe, that there, since the opening of this session—I ay, by concerted agreement, but ra- coincident feeling—a general under- on both sides of the house, that there ain questions (of which this was one) discussion should not take place ss of no, no, from the Opposition]. I hat there was such a common under- (hear, hear); and this understanding red into, not only in justice to the themselves, but also in regard to the of the country (hear, hear), in order questions might be more fully investi- a new parliament (hear, hear). I cer- lected from hon. members, that this a convenient season for the entertain- this question; and my rt. hon. friend (Mr. Whitmore) intimated, on the first night of on, that it was not the intention of Go- to propose any revision of the corn his intimation leads me to an argument on. gent. (Mr. Whitmore), in which pears to be more of refinement than He has said, that the uncertainty of the tended to be adopted by Government, rially checked speculation in the in- de of corn. Now what are the facts? first day of the session of 1825, I dis- ated that I had no intention of making ation in the corn laws during that ses- n the first day of the present session, a friend (Mr. Canning) made a similar ion. So that I am at least entitled to Government the credit of candour and em, in the early and open declaration ource it intended to adopt; and I am ntitled to say, that if there has been k in speculations in corn, that check occasioned by some other cause than uncertainty as to the intentions of Go- t. If people have bought corn at a rice, with a view of selling it for a some future period, it is too great a at upon the principles of trade to say are compelled to refrain from doing sequence of any uncertainty in the ex-

isting law.—If there is one question more unfit than another to be entertained at this moment, it is this relating to the corn laws. It is im- mediately connected with the well-being of whole classes of the community who are extremely numerous and important, including as well those who possess the property of the soil, as those whose capital and industry are employed in its cultivation, and who depend upon the land for their subsistence. It is difficult, on account of the circumstances which have grown up in this country since the establishment of the present laws: it is difficult, also, on account of the situation in which that alteration has placed other corn-growing and exporting countries with respect to their intercourse with us as to other commodities prior to that alteration. But these are not the only grounds of difficulty. It must be clear to every gent. who hears me, that we have been acting for some time upon a totally erroneous system; and I have no hesi- tation in stating what I have recorded in another manner, and advanced in other places, that I think a system of absolute prohibition upon this or upon any other article of com- merce, is a vicious and most destructive system (hear, hear). If we are still acting under this system, it is solely on account of contingent cir- cumstances of an imperious and difficult nature, and because we ought to be cautious in treading back our steps, with reference to the conse- quences which this system has entailed upon us. All mortgages, all leases, settlements, and other charges upon land, must be immediately affected by any alteration in the corn laws, and the parties interested in them would be exposed to the greatest injustice, while the difficulties which now exist would be aggravated by any unguarded change, or any mistake on the prin- ciple which ought to govern that change. Whenever, therefore, the Parliament shall re- solve on proceeding with this subject, they must take into consideration many circum- stances which they are not now prepared to embrace. The difficulties I have stated are chiefly of a general nature, but there are others scarcely less important. My hon. friend (Mr. Whitmore) has, in the course of his speech, made frequent references to a document not yet before the house. He alluded particularly to the change which has taken place in some of the countries of the north of Europe, respect- ing their capacity to supply corn; which, it appears, is considerably reduced. It is not only true as to those countries, but the same effect has been produced in France in conse- quence of the regulations which have been adopted there respecting the exportation of corn. With a view to these circumstances, Mr. Jacob was engaged to make personal inquiries into the subject, and the report which has been mentioned was drawn up in conse- quence of those inquiries. That report is not perhaps perfect; but it is, at least, a most valuable addition to the information which we already possess; and I say that we ought not to come to a decision on this question, before we have had an opportunity of reading it; and I do sincerely believe, that if it be read without those extravagant apprehensions which I know to prevail throughout a great part of the coun- try, and without those prejudices which some- times reject all evidence in matters of this description, it will enable us to decide the question better than we can possibly decide it at the present moment.—We cannot exclude



from our consideration the question of price; and this question of price connects itself intimately with the state of our money system. In the feverish and unsettled state in which our currency has been, and, I regret to say, continues to be, can any man think the present a fit moment to enter upon the subject? I think, also, that at this period of the session, when the public business is in a very advanced state, and every body looking forward to the probability of a general election (hear, hear), that nothing can be less advisable than to agitate this subject. The hon. gent. reproaches me with having departed from my pledges—I can only say, that I gave what he is pleased to call that pledge in the same way in which any other intimation might be given by a responsible servant of the Crown. Such a pledge cannot be considered so absolute, that I am to be debarred from the consideration of all circumstances which have happened between the time of making the pledge and the period allotted for its fulfilment. And what was the pledge which I am stated to have given? It was merely that if the necessary information could be obtained upon the subject in time, and if the question could be brought forward early in the session, that I hoped we might arrive at a satisfactory adjustment of the subject. The pledge I gave was qualified by, or rather dependent on, two material and necessary circumstances. Neither of these have happened, for we are not now at the beginning of the session, and the requisite information was not obtained early enough. I am disposed, however, to admit, that, powerful as circumstances are to prevent our entering into the subject at the present crisis, they would not be conclusive in my mind, if any relief could be given by it to the distress which oppresses the country. If I thought it within the power of legislation—if I thought it within the course of possibility, to produce any sudden or material reduction in the price of wheat, or of the other necessities of life, I would bring forward this or any other measure that could conduce to such an object; but I know that by adopting the present measure we should only aggravate the evil. It is my firm opinion that the measure proposed will not only increase the difficulties and distresses of the country, but will destroy the best hopes of their ultimate termination (hear, hear). I think prohibition with respect to corn not only to be a most irrational and pernicious measure, but a ten-fold greater evil than prohibition with reference to any other article (hear, hear). This is my most firm conviction; nevertheless, I say, that any immediate or sudden change in the condition of the agricultural classes would aggravate the distresses of all the other classes.—Under all the circumstances of the case, I do not feel it necessary, or even prudent, for me to go minutely into details, or to enter into any discussion of what ought to be the changes to be made in the present corn laws (hear, hear). But I have no difficulty whatever in stating, in the most unequivocal and decided terms, that I am thoroughly opposed to all further prohibitions. I can go much further; I have no hesitation in declaring, that, in our situation, I think a speedy revision of the laws is essential. In the present state of alarm, it is very difficult even for those who are able to convey their sentiments to the house much more clearly than I am able to do, to express themselves without being misapprehended. It is for this reason,

and because I think the subject of such great importance, that I trust the house will excuse me for going further into the subject. My wish is, that the question should stand as it now stands. I give my assurance—I hope the house will take that assurance—I again repeat it, that in the next session of parliament (a laugh)—Hon. gentlemen will laugh, but I think that I have stated sufficient reasons for the line I have taken (hear, hear). They may not appear good reasons to some; but I expect from the house credit for sincerity, when I state, that all I am anxious to do is, to transfer the question to the next session of parliament, when the intentions of Government upon the subject will be known. The hon. member (Major Maberly) may laugh; but if the hon. member thinks that, from any difficulty of the subject, I am disposed to avoid the question, he little knows my character, or what have been my habits of business (hear, hear). I pledge myself that I will take the first favourable opportunity to bring this subject fairly before the house; and I see no reason to apprehend, that next session will not afford that opportunity; but I will not be taunted for any abandonment of my pledge.—Before I sit down I must say, that some of the doctrines of my hon. friend (Mr. Whitmore) on the subject of free trade are not quite just; at least, they are not the doctrines which I have ever entertained, and certainly are very different from those which I have uttered in this house, and equally distinct from the principles upon which Government have guided their recent measures with reference to trade. My hon. friend has argued the question of free trade, as if it were the absolute removal of all difficulties in the way of the supply of foreign productions to this country. The hon. gent. has talked of free trade in sugar—of free trade in timber—of free trade in various other articles. But there are two distinct grounds of imposing duties upon articles of trade—one of which, at least, the hon. gent. seems to have overlooked. One ground of imposing duties upon trade is totally distinct from the system either of prohibition or protection. I allude to taxation or revenue, which in this country is material, in order to meet the public expences, and to pay the interest and charges upon the debt. The duties on timber are laid on in order to raise the revenue. The duties on sugar are sources of almost the largest revenue which the country receives; and this duty is not laid on, as the hon. gent. imagines, as any protection to the sugar trade. I do not know why protecting duties should not be granted to a certain degree on the productions of this country, or upon whatever may be produced by British skill, or by the application of British capital. I mean only to say, that the peculiar or favourable productions of this country ought to be put upon the grounds of a fair competition with similar productions of other countries. The principle is, to countervail the advantages that other countries may have, so that the productions of each may enter into the different markets upon equal terms. What are the principles of all the measures relating to free trade which I have had the honour of submitting to Parliament? Not free trade, in the sense in which some persons may understand the term; but free trade from all duties, excepting those which are necessary to give the trades of different countries an equal footing in the markets, and to protect them from the exclusive advan-



in many nations would wish to establish their own favour. Thus, in the silk trade, the Government have modified the old prohibitory duties, in order to relieve the country of the injurious effects of smuggling, upon the old rate of duties operated as so high that it was absolutely impossible to do it. The smuggling was equally injurious to the manufacturer and to the revenue, and the protecting duty was not withdrawn until it was modified so as to place the manufacturer in a state to compete with foreign growers without injury. The advocates for the present system have argued, that if we took off the duties on importation of articles of silk, and granted only a rate of duty which would operate as a reasonable protection to the agricultural interest, we should have no quarrel with foreign growers without injury. This was the principle adopted, and the doctrine held by all persons who advocate the interests of the agriculturists, as well as those who were interested in maintaining the agricultural monopoly. It was not difficult to see that the present system was modified. The very object pointed out by the agriculturists to protect their interests, has been conceded to them, but the measure has been adopted, if not totally, at least in some respects, as a preliminary to the corn laws. The very measures proposed by the agriculturists as the sufficient protection of their interests, have been adopted, not only in principle, but in degree. Mr. Webb has said, that it was sufficient to put the corn trade in a fair state of competition—to open one trade duty of ten, on another of fifteen per cent. This has been done. In these circumstances, I do not now feel at liberty to go into the question. I confine myself to those principles, which render it unfit to proceed further in the discussion—I shall, therefore, move the previous

*Mr. Millon* complained that, between the measures and the measures of Government, the country always found their expectations dashed away. As the *rt. hon. gent.* had said, the country could not gather up the opinions of Government upon the question, which was one of the utmost importance to the country at large. The people were at the mercy of the landlords, and the landlords were composed of those landlords who formed a body of men, powerful, but powerful. They were the members of Parliament, and those who made laws for Parliament (hear, hear). Not believing that a fair consideration of this question, and an adjustment of the law on the principles, would be dangerous to the public interest. The adjustment of the law certainly be accompanied by a fall in the price of agricultural produce; but that would be followed by such corresponding losses in the fall of other things, that the interest would not be such losers as in they seemed to think. In talking on the subject, some people were fond of using words which they misused themselves, and upon their hearers. A cry was raised, repealing those laws, the agricultural interest, the landed proprietor, and the farmer, would be ruined. Now, as to the labourer and the farmer, he would say, that whilst men required

food, agriculture must be pursued, and would be pursued with advantage. The fact was, that the farmer and the agricultural labourer had no interest whatever in the high price of corn; and when landlords said that they had, those landlords were, in truth, pleading their own cause, while they pretended to plead that of others. He would give the house an instance which had come under his own observation, of the tender regard which landlords felt for the farmers. Eighteen months ago, when the price of corn rose, the proprietor of a large estate in his neighbourhood gave notice to all his tenants to quit, preparatory to raising their rents. This example ought to be a warning to farmers, and should teach them not to be deceived by professions: when they heard men talk of protecting their interests, they should understand that the interests of the talkers were the only interests to be protected. He was very well aware that these opinions were not very palatable in that house. Men were generally too much disposed to listen to arguments which flattered their own views, and which appeared to conduce to their own interests, to have any great pleasure in hearing opposite opinions. He, however, was persuaded, that if there were any time when this question could be well considered, it was at a time like the present, of great commercial distress. He was convinced that the existing laws were not only injurious, as they tended to raise the price of provisions in this country, but that they were doubly hurtful as they affected our foreign commerce. They shut us out from most of the foreign markets of Europe, and they compelled our merchants to seek for markets for their commerce in the most distant parts of the world; in countries, whose resources not being accurately known, were of course much exaggerated; the trading to which was attended with greater expense and risk, and which frequently ended in involving the adventurers in ruin. These laws shut out English merchants from the Baltic, from the nearer coasts of Europe, and especially from France; though he believed, that if foreign corn was admitted into this country, very little would come here from France. These laws, however, affected us most as excluding our commerce from the northern parts of Europe. He trusted the house had not forgotten the important information given them by the hon. mover, who had shewn that not only now, but for some years past, we had been sowing in these countries the seeds of the perpetual exclusion of our manufactures and commerce (hear, hear). In short, in whatever view he contemplated the existing laws, he considered them impolitic, unjust, and in his conscience he thought they were unchristian, for it was not christian to enhance, except for the gravest causes, the necessities of life. He must admit that on his own head rested part of the sin of having consented to the enactment of those laws; he voted for them under the influence of the eloquent appeal of his *rt. hon. friend*, the late Mr. Elliot, who contended that it might compromise our national independence to rely upon foreign countries for a supply of corn. The consideration of national independence was the only ground upon which the present system could be defended; and, upon mature reflection, he was of opinion that the national independence could in no way be affected by a free trade in corn. Let the house consider



who it was that asked for these prohibitory laws. It was the landed gentlemen of England, and their object was to obtain high rents and large profits (hear, hear). Were they, who, though the wealthiest, were not the most numerous, class of society—were they, who, above all others, ought to shew their devotion to their country's welfare, and to set the example of a preference of country to self—were they to call on their fellow-subjects to sacrifice, not only their present interest, but their future comfort, to the wealth of that class which was already the wealthiest in society? He blushed for the order to which he belonged, when he thought of the arguments they resorted to for the purpose of supporting these laws. The corn laws could not be justified upon the grounds which had almost always been advanced in support of other prohibitory systems. Formerly, when any class of the community desired to obtain a prohibitory law in their favour, they had the dexterity to persuade the Government that the public at large was interested in their prosperity; but, in the present case, the landholders of England called upon Government to continue a prohibitory system, not on the ground that it was advantageous to the public, but because it was beneficial to themselves. The landholders said, that the interest of the debt could not be paid unless they obtained high rents; as if the industry of the labourer and the national stock did not all contribute, with the rent of land, towards making the payment. Really, the absurdities into which the landed gentry were led, would have excited pity, if another sort of feeling was not created by the conclusions to which these absurdities conducted them.

Mr. H. Sumner thought the country gentlemen were ill-treated by ministers, who, rather than meet the subject as it ought to be met, were for smothering it, whenever there was any danger of its exciting discussion. This perpetual delay was most inconvenient to the landed interest, who could not tell into what engagements they ought to enter while this subject remained suspended over their heads. —The principle of free trade might do very well in commercial concerns, but it was a frightful and fearful doctrine to apply to the agricultural interests, of which it might probably occasion the absolute ruin. The same rules did not apply to agriculture and commerce. If any branch of trade was injured, there was a disposition in the country to embark its capital in commercial adventures, and the interests of trade would be retrieved. It was not so in agricultural concerns, which ought, therefore, to be more carefully protected and encouraged. Besides, the agricultural interest had not yet recovered from the distress which it had suffered, and more time ought yet to be allowed it. In what he now said, he disclaimed the imputation of speaking merely for his own interest, and not for the interest of the farmer and the labourer. The particular case to which the noble lord had alluded to support this imputation, was certainly very far from honourable with respect to the person of whom it was related, but it could not be said to be a sample of the agricultural class, whose conduct had always been in the highest degree honourable. The principle of free trade might convert the lands of foreign countries from wastes to gardens, but it would convert the lands of England from gardens to

wastes. Before protection was taken off corn, the ministry should determine to put the agriculturists here on a footing with those in other countries. They should take off thirty out of the fifty millions of taxes; they should repeal the 2,000,000*l.* of land-tax, and the 6,000,000*l.* of poor-rates; and then he had no doubt that England would be able to compete with any nation in the world. The *rt. hon. gent.* said, that the question should not be agitated till Mr. Jacob's publication came forth. For himself, he could say, that the publications of the day produced but little effect on his mind (a laugh), and he understood that Mr. Jacob formerly entertained opinions very different from those which he now professed. When he saw a man entertain one set of opinions at one time, and a different set at another, when he was employed by administration to serve a particular purpose, he could not attach much weight to his evidence. Though, however, he (Mr. Sumner) had not read many books on this subject, he had read the book of experience. That book was uniform, and, except in two years, when high prices were caused by great scarcity, he had always found that years of high prices were years of prosperity to all classes, while years of low prices were those of the greatest distress.

Major Maberly expressed his surprise at the manner in which the *rt. hon. gent.* (Mr. Huskisson) had attempted to get rid of the question. The *rt. hon. gent.* said it was improper to discuss it this year, because it was a period of distress; and last year he came to the same conclusion, because it was then a period of prosperity. The *rt. hon. gent.* seemed to be playing at hide and seek. One did not know where to catch him (hear, hear). Such a set of arguments as the *rt. hon. gent.* had advanced in objection to the motion was never heard.—Gentlemen argued that cheap corn could afford no advantage to the manufacturer, because it was by the sale of that corn that the agriculturist, his customer, was enabled to buy the commodity which he produced. But this reasoning involved a fallacy; for, as certainly nothing could come into the country unless something in exchange for it went out, no import of corn could possibly take place unless by an exportation of manufactures.—He opposed the right of the agriculturists to what they called a "remunerating price," upon the ground that there was no saying at what point that remunerating price would stop. By bringing poor lands into cultivation it might be raised even thirty or forty per cent. higher than it was at present.—He hoped that the question would be brought forward and pressed from year to year, until the existing system was got rid of; convinced, as he was, that it was most mischievous to the wealth and prosperity of the country.

Mr. Curwen was anxious to rebut a charge made upon the land-owners, that in keeping up high prices they were looking only to their own interests (hear, hear). He should blush at rising in his place, if he felt that such a stigma deservedly attached to that body (hear, hear). But he was glad to know that such was not the case. In advocating their interests, they were advocating those of the public at large. It was impossible that the manufacturing and other interests of the country could go on with what was called cheap corn, because cheap

bring low wages; and this, instead of giving comfort and happiness to the workers, would be productive of the reverse.

Wodehouse spoke for a few moments; the stormy state of the house rendered it difficult to collect a single sentence that the speaker uttered.

Mr. Burdett differed entirely from the right hon. gent. (Mr. Huskisson); that there was no question which was fit for discussion than that before the Corn Law, by discussion, more was to be gained.—He could not altogether see in what had fallen from his hon. friend (Mr. Carver). He was not so disposed not to feel for himself and those connected with him; and if, as a gentleman of property and a landed estate, he could not measure in question was likely to be injurious to him, he should oppose it. He was convinced, that in maintaining a position in which accident had placed him, but supporting the interests of the general. He was placed in the singular position of voting for the motion of an hon. member in none of whose views or opinions on the subject he (Sir F. Burdett) coincided. He thought that the proposition of the mover would produce any of the effects he anticipated from it. Nor did he see any of the results from it which the mover of the measure dreaded. He gave it to the eloquence and patriotism of Mr. (Milton); but he voted as that voted, upon a principle altogether not because he was inclined to give the Corn Law to the landed proprietor, but as a landed proprietor and the public interest in the question. So, with Mr. (Mr. Philips) he (Sir F. Burdett) was one of two of the positions which he occupied; but there were several others, and he altogether differed from him.

That in every state of society, in pursuing the object, the effort should not be to use a scanty supply by the labourer but an ample supply by the employer. But it was a mistake to suppose that agricultural labourers were less industrious and productive, than the manufacturing population. There was no greater proof of the prosperity and resources of the country, to be found in the fact, that so small a number of persons as composed the agricultural population, one-third of the whole population, by their skill and industry, to raise produce to support the other two-thirds was a state of things to be found in no country in the world. Our population was estimated at twelve millions—of these six were employed in agriculture, six in manufactures, and two in learned professions and pursuits. Now there was not in the whole of Europe a country in which one-third of the population maintained the other two-thirds in their industry. Let them look abroad. Take for instance; there, there was a population of thirty millions, of whom four millions were employed in agriculture, and sixteen in manufactures. The state of things lay in a great measure the laws of France relative to the division of estates was so eternal, that the people employed in tillage was so thick, that there was no sur-

plus of produce from their labour. All that they raised or nearly all, they themselves consumed; and they had nothing left with which to pay or feed the manufacturing classes. Nothing could be more clear than the fact that there could be but one interest between the agricultural and the manufacturing classes; the only reason that England had so large a body of manufacturers—the only reason why she was enabled to support them—was, that her agriculturists produced with so little labour so much more than was needful for their own consumption. The living of each party being made out of the exertions of the other, it was impossible that either could be rich without their prosperity being mutual. The more the agriculturist's labour produced, the more he had to sell to the manufacturer; the less exertion the manufacturer had to lay out upon his commodity, the more the agriculturist received in the exchange. This was the plain and simple view of the question; putting aside for the present all those difficulties which arose from combining it with the subject of the currency—difficulties which seemed to belong, indeed, to the question of the currency, let it be discussed in what shape, or to what effect it might. Setting those difficulties aside, the point to be accomplished was the due adjustment of that trade which was always going on in the country—the exchange of their respective articles of produce between the agriculturist and the manufacturer. Hon. gent. said—"Give the manufacturer cheap corn, and he will give you cheap commodities;" but those who said that, spoke without consideration—because the terms "dear" and "cheap" applied in such a way became convertible. To say that manufactures were dear, was to say, in other words, that corn was cheap; and *vice versa*; for, in the whole, there only was an exchange of one article for the other. Both trades might flourish; the greater production of both was an advantage to both; but that the produce of both should be dear, was impossible. Those, therefore, who were disposed to endanger the safety of agricultural property were short-sighted as to the views of their own advantage; they endangered the stopping of the source from which all their own means of existence were derived. Without agricultural produce, it would be impossible for the manufacturers to live; and the members of learned professions, who, however valuable in their ministry, were not immediately producers, would soon find that their assistance must be dispensed with by society; for there would be no means of paying them for it. If any man doubted this principle, let him look at the way in which scientific pursuits were paid for in England, and the amount of payment which they received in countries on the continent, where agriculture was a less profitable pursuit. He was not prepared to say that—in a different view of this question—he should be inclined to merge his whole personal rights and interests in a scheme for the public advantage. The rights and interests of those immediately connected with him, whether they ought to do so or not, would, he believed, have weight with him, in preference to any general consideration. But he repeated that this difficulty was not one to which he need attend; for he was convinced that that which was his own interest was the interest of the country at large.—The hon. member (Mr. Philips) had observed, that, by a sufficient outlay, the mountain of Snowden



might be made productive. No doubt, but only by a misapplication of capital; because it would employ a greater number of hands, in the business of production, than the produce would maintain. It was not the actual quantity produced in any country which constituted its poverty or wealth; but the quantity produced with reference to the number employed in the production. A country of very small gross produce might be richer than a country where the produce was large; because the numbers employed in cultivation might be comparatively less in the former than in the latter. France, for instance, with only one half of her present population, and keeping up all her existing produce, would be a richer country than England; but the very scheme of her law, by preventing the accumulation of wealth, struck at the root of every thing like solid and lasting prosperity. Nothing was more common than to talk of the prosperity of France. The notion was perfectly unfounded; nor was it necessary to go to facts to make that apparent; for the law which she had recently, as it seemed in a fit of madness, confirmed, was a constant and certain engine of deterioration to her. On one side, there were confiscations suffered; on the other, accumulation prevented. As the French law stood, there was no choice—every succeeding generation must be poorer than that which preceded it.—He could not agree that the corn laws, by keeping up the price of provisions, had in any degree injured the labouring classes of the country. His opinion was that they produced a contrary effect—that they injured, not the working classes, but the landed proprietors; though even this not in the way which was contended for by the hon. member (Mr. Whitmore). To the labourer, as it seemed to him, neither the price of bread, nor the money price of any other article, mattered at all. It might be a fact of some little consequence to the labourer's employer, who wished to get his work done as cheaply as possible; but the labourer himself had no interest in it; and upon this point it was worth while to take notice, how anxious the manufacturers, who objected to remunerating prices in favour of the agriculturists, were to have remunerating prices for themselves. From Glasgow, Paisley, and other manufacturing towns, all the story was of "stagnation in trade," and "heavy, low, prices"—complaints which certainly did not come with a very good grace from gentlemen who were so desirous of having a "heavy low price" in corn. In truth, what was the price of corn, or any other article in the country, depended chiefly upon the state of the currency; but the real question—the amount of the reward received for labour—depended upon the quantity of surplus produce. The hon. seconder had spoken of "liberal wages;" as far as he (Sir F. Burdett) understood what was meant by "liberal wages," there could be no such thing. Individuals might be liberal, but nations could not. In the great concerns of a country, there could be but one way of carrying on business; the way which was most to the advantage of the person who carried it on. The value of the labour was the question; that was what it would fetch, and the amount of that would depend upon competition; and, as far as by "liberal wages" was meant any arrangement which tended to keep up a high price of labour, the result of that course must necessarily be the throwing a considerable portion of

labour out of employ. Persons might complain that the price of labour was kept low; but if it was raised higher than could be afforded, the effect must be to throw thousands out of employment, and consign them to starvation. The parties themselves appeared aware of this, for he observed, that, in a petition presented a short time since from Blackburn, they complained first of the high price of corn, and then of the power loom, a machine which, with the attendance of a boy, performed the work of several men. This was their great hardship. The high price of corn was merely thrown in; but that which pressed most heavily upon them was the introduction of that machinery which had so mainly contributed to the general advancement of the country (hear, hear). What would be thought of those who made a similar complaint when the plough was substituted for the spade, or, to go still further back, when the spade was substituted for the nails and fingers, with which the earth was turned up? He, for one, was as ready as any man to afford temporary relief where severe and pressing distresses called for it; but every man who attempted to legislate upon such principles as those he had just alluded to, would at once put a bar to those sources of wealth and aggrandizement by which the prosperity and greatness of the country had been hitherto maintained.—If he believed, with the country gentlemen, that there was any need of the corn laws, he should feel it his duty, as well as his interest, to maintain them. This he did not believe to be the case; and there was one fact he had almost forgotten, to which he thought it of importance to advert. This was, that during the very high prices, a large quantity of corn had been annually imported into this country; it was wrong, therefore, to say that low prices would necessarily be caused by importation. The fact was, indeed, opposed to theory; but when he saw that fact occurring during a period of twenty years, he preferred the fact to the theory. He believed that, during a part of the time when the importation was largest, the price of wheat was 120s. a quarter. But he had another theory to account for this, and that was, that the more food there was for the manufacturers, the more manufacturers there would be; the more their skill would be excited, and the greater return there would be for the produce of the agriculturist. It might be that a part of that food came from abroad; but it was, in his estimation, of little consequence where it came from—whether grown in this country, or dropped from Heaven, like manna—the advantages would be the same. He would say, therefore, let the trade in corn be free; and he was ready to vote for a free corn trade. The more the manufacturers increased, the more they would produce; the better off would the agriculturists be, and all classes would be richer. Since the prohibition to import foreign corn into England, corn had been at a certain price—perhaps higher, rather than otherwise—and this had certainly extended cultivation, and caused more corn to be produced, so as to supply the wants of the people better than before. But the manufacturers had also increased both in skill and numbers; and, though more food was produced in the country, they had ample returns to pay both the grower of food here and abroad, and there was a greater revenue in the country. For much of this prosperity we were indebted to that law of Primogeniture, which

believed, peculiar to this country, by tates were kept together, and descended me families, for many generations, and id to the establishment of large farms, that improved cultivation, for which stry was distinguished, and to that surd which was the means of paying all r clames. He believed these things ily went together, and they were aced by better modes of conveyance, mechanical and manufacturing inge-um were to be found in other countries, the towns gained in their turn, and abled to make large returns to the and the whole increased in wealth. ot think, therefore, that he was, as a ventleman, making any sacrifice by vot- he motion: he laid claim to no great doing it, but he thought he was pro- the public interest by such a vote, : injuring the landed interest. He reed that there was no measure which ore extensive mischief than the Corn If we would not take the corn of other , which was, perhaps, all they had to as impossible they could take our ma- es; if we forbade importation, we also ily forbade exportation. (Here the house manifest symptoms of impatience.) He the right hon. gent. (Mr. Huskisson) out with himself; he wanted free trade, r, he talked of wanting it, and with that cted reciprocity, and protecting duties. e things were incompatible. Protect- s only made us pay dearer for commo- de at home than we should pay for si- modities imported (coughing). Ano- ry such duties inflicted on us was, to engage in undertakings for which we atural advantages, and refrain from ing those manufactures for which, hav- al advantages, we could obtain large by exportation. [The impatience of becoming very evident here, the hon. cluded by saying, that he had no ob- whatever to a free trade in corn, and a such a trade would be advantageous ided interest.]

rougham rose, amidst loud cries of m," and other manifestations of impa- hich rendered the commencement of his tally inaudible. When the tumult sub- e was heard to say, that during ches of some preceding speakers, id been heard from about the bar, re were no country gentlemen; but ick might proceed, were there such the house, from a part of their stock ; and taking warning by the impatience d by the house, he should address him- y and plainly to the simple question be- —whether they should go into a com- or the purpose of ascertaining whe- ot some legislative measure might not ced which would settle this question? hon. gent. would not accede to the ; he would not run the risk of pro- session a few short days, or a week most, to enable them to settle this

The right hon. gent. said they : have time to discuss it. He referred, to the circumstance that the parlia- drawing to its close, and the members n have to meet their constituents; : under these circumstances that the gent. thought this an unfit subject for

discussion. He (Mr. B.) could not view the matter in that light; and could not but conceive, that, before they separated, they ought to take some measures to satisfy the country, and put this important question in a course for final decision. The course pursued by the right hon. gent. could give satisfaction to neither of the great parties interested in the decision. Coming to no distinct resolution, each party remaining in uncertainty as to the future state of the question, it was inevitable that both would put their own construction on it, and the construction of each would be influenced by their apprehensions. By not discussing the question they would come to a resolution that would, of all others, be the least likely to enable them to meet their constituents with satisfaction. There was one other reason which had been mentioned—and this was the only reason which had any weight with him—he meant what had been said of the unsettled state of the currency; but before the committee should have concluded its labours, something might be settled with regard to the currency, which would either show the difficulty of settling the question, or enable them to come to some resolution, which would, at least, promise a satisfactory conclusion. By putting it off till next session, it could not be hoped that it would even then be settled: and in what state, he would ask, did things in the meantime remain? While things were in this state, no man could tell what his land was worth; no man could sell land, and no man would buy land; no man could take a farm—contracts would not be made or could not be kept—no man could tell what rents would be, and hardly what they now were. The present system was never intended as a final arrangement, when it was proposed, and it had not been so understood by those who supported it. If the arrangement were only temporary, the time was now come for making it permanent; it was time to sweep away a system which was liable to all the objections ever made to any system of prohibitions; it was time to repeal the prohibitions, permitting the ports to be continually open, only laying on such a protecting duty as would enable the agriculturist to grow his produce on such terms as to stand the conflict with the foreign grower. He was not prepared to contend that lowering price would not lower rents, he would not utter one word that should encourage any delusion of that nature; but he conceived that the corn laws, if they gave high rents, caused extensive fluctuations in them, and he supposed that repealing them would give permanent and steady prices, lowering rents, but preventing fluctuations. But with lower rents, he hoped there would be lower wages; at least with one class of labourers; he hoped that the high wages for public services, the high salaries of public men, settled at a time when every thing else was high, would be lowered when every thing was lowered. (Here the house grew impatient.) They were increased a few years ago, and he hoped they would be revised and diminished, thereby affording relief to the landed gentlemen (coughing), by lessening the public burdens. They would, if the corn laws were repealed, derive relief from diminished poor rates, from diminished county rates, and from a lessening of the public burdens; and, expecting to be relieved of all these, the landed interest, under such circumstances, might wish the question set at



rest as speedily as possible, and would, like him, vote for the motion of his hon. friend. (The house had betrayed signs of impatience before the learned gent. concluded, and as he sat down, loud cries of "question" resounded from all parts of the house.)

Mr. *Whitmore* said a few words in reply, and the house divided—

For the motion, 81—Against it, 250—Majority, 169.

### *Bonded Corn.*

THURSDAY, APRIL 27.—Mr. *Leycester* wished to know whether it was the intention of Government to allow any of the foreign corn now in bond in this country to be brought into the market? He thought that as corn was now rising, and considering the distress which existed in several parts of the country, that a partial relaxation of the corn laws might take place, so as at least to allow some of the foreign corn in bond to be brought into the market.

Mr. *Huskisson* said that he had already stated that it was not the intention of Government to make any alteration in the system of the corn laws in the present session.

### *Warehoused Corn, and Importation of Corn Bills.*

LORDS, MONDAY, MAY 1.—Lord *King* presented a petition from the weavers of Manchester; and, coming from those persons, it was, on account of the present state of the times, and the circumstances under which it was signed, deserving of most serious consideration. It likewise merited attention on account of its great good sense and moderation. The petitioners condemned the conduct of their fellow-workmen in Lancashire, in destroying machines. They stated their belief that the distress to which they were reduced was not owing to machinery, but to the corn laws. They said that the injurious operation of the corn laws was two-fold. In the first place, they obstructed the supply of food to the working classes; and, secondly, they prevented the purchase of British manufactures by other countries, who had nothing to pay for them but corn.

The Marquis of *Lansdowne* was anxious to avail himself of the opportunity which this petition afforded, of pressing on the house and ministers the necessity of considering how far a provision might be made for the relief of the distress which so extensively prevailed; for when great and extensive suffering existed, it seemed impossible that parliament should do otherwise than inquire whether any alleviation was practicable. When it must be universally admitted that in the course of last year a most extraordinary and artificial stimulus was given to trade,—when a change (indispensable as he admitted it to be) had taken place in the currency, which was inevitably calculated to aggravate the present evil, by imposing a check on speculation,—he thought a case was made out, which called for interference. In the meantime, he felt the necessity of a vigorous interposition of the law, for the protection of that property, the security of which was as necessary for the interest of the unfortunate and misguided persons

who attacked it as for the proprietors. What he thought would be most advisable, was to place means of relief, to a certain extent, at the disposal of ministers. He was aware that by public and voluntary subscription much good might often be done, and some thought such a resource might be a remedy in the present case. He admitted that subscriptions for local calamities were better than any other measure that could be resorted to, and they had witnessed the advantage of such subscriptions applied to the relief of distress in a part of this metropolis—namely, Spitalfields. When, however, he looked at the magnitude of the present distress, he confessed that he was struck with the improbability of any relief being speedily obtained through the natural course of trade or exertions of charity. He might, also be told that relief would best be obtained by a diminution of taxation. He had always considered that kind of relief to be the best, the safest, and the most economical that could be adopted, and there was a time when he had urged it earnestly on their lordships; but he must acknowledge that much had already been done in this way, and he was not prepared to say that more might not be done; but, even assuming that by the further reduction of taxation relief might still be administered, their lordships need not be told that it would be too gradual in its operation to be available in the present case. No relief could be obtained from taxation by those who did not possess the means of purchasing commodities at any reduced price. He hoped, therefore, a disposition would be found to exist for making some provision against the extension of the distress, which might be done either by a vote of the other house, or—what would perhaps be better, as their lordships could concur in it—an address might be presented to the throne, pledging parliament to make good those advances which ministers might on their responsibility think it necessary to make for the limited purpose of rescuing the unemployed manufacturers from starvation.

The Earl of *Liverpool* said, that if the suggestion of the noble marquis were agreed to, it would be the first instance in the history of Parliament, of voting public money for the relief of local distress; except that which occurred in the case of Ireland. Their lordships would recollect, that there was in this country a system which had its inconveniences, and had been thought, by some, to have more inconveniences than advantages—he meant the poor laws, which provided relief for cases of distress; and if relief were also granted from the public purse—if done in one instance—he called on them to say where it would end; he conjured them to reflect on the consequences of claim coming after claim, and of parliament undertaking to relieve every distress from the public purse. There was also a great difficulty in applying relief by this mode. Some years ago, a similar application was made on behalf of the agricultural interest, but they found the difficulties so great, that the project was abandoned. The great consideration which induced parliament to interfere in the case of Ireland, three years ago, was, that Ireland had no poor laws; and besides, from the circumstances of the country, an opportunity was afforded of employing men on public works, and in ways not practicable in this country. Before parliament, then, should, for



the first time, have recourse to a draught for such a purpose on the public purse, he could not but look to the voluntary contributions of individuals in aid of the poor-rates as a far more salutary measure. If their lordships looked to the subscriptions which had been raised for Ireland, which exceeded 300,000*l.*, they could not but anticipate success from voluntary efforts of the same kind in the present case. He knew of nobody with whom such a power as that of administering charitable relief would be more improperly vested than the Government. It might be well exercised by leading persons in districts, or by subscription committees; but the greatest objections existed to its exercise by the executive Government.—He had, in the early part of the session, stated, that some alteration in the corn laws was necessary, but that the period had not then arrived when it was expedient to revise those laws. Recent events had not weakened but confirmed his objections to bringing forward any measure this session. But he had no difficulty in stating, that parliament ought not to separate without allowing the bonded corn to come into the market on paying a reasonable duty; without investing the King in Council with power to admit, if necessary, supplies of foreign corn at a certain duty, and for a limited time, such as for six weeks after the meeting of parliament. The last time that the question of the corn laws was before parliament, it was proposed that this very power should be given to the King in Council; but he (Lord Liverpool) objected to it, because he thought such a power ought not to have been combined with that measure, because he was of opinion that whatever determined the price of food should be founded on a fixed law. But there were special circumstances which might make it the duty of ministers to ask, and of parliament to grant this power.

The Earl of *Malmesbury* had on a former day signified his readiness to agree to the admission of bonded corn into the market, and therefore would support that measure when brought forward by Government. Nobody could feel more than he did for the sufferings of the distressed part of the population, but he lamented that they should be so deceived as to attribute their distress to the corn laws. It was stated in Mr. *Jacob's* report, that supposing a duty of 10*s.* or 12*s.* a quarter was imposed, to which he thought even the noble lord (King) would not object, that the foreign merchant could not introduce corn into this country under 60*s.* a quarter. Now, for the last three years, the price of wheat had been less than 60*s.* a quarter in this country. He must also observe, that the workmen at present employed must depend for the continuance of their employment on the home consumer, of whom the landholders were by some estimated to constitute four-fifths. He would, however, take them only at three-fifths; and supposing that proportion, what would be the consequence to the manufacturers, if the agricultural interest were pulled down? He believed they would find, that for one weaver starving now, there would then be ten. If the average prices of wheat for the last three years were examined, taking into consideration the value of money, it would be found that there could not be a more steady and equitable system than that which existed under the corn laws.

Earl *Grosvenor* wished to ask the noble lord

(*Liverpool*), if the power to be granted to the King in Council was to extend to admitting corn directly into the market, or only to allow it to be imported and bonded, and subsequently taken out of bond, under authority of parliament?

The Earl of *Lauderdale* thought it was indispensable, before they gave relief, that their lordships should understand what was the cause of the distress; for if they adopted the proposed measures, they would be holding out the idea that the distress arose from the extravagant price of food; which would be giving currency to a fallacy. From the best information he (Lord *Lauderdale*) could obtain, he believed there was no want of demand abroad for our manufactures; but the manufacturers could not employ the men, because they could not find the means of paying them. What caused this? Was the country in adversity? Had it met with any misfortune? No: till the meeting of Parliament had any such distress existed, or was there any expectation of it? No: the manufacturers he had conversed with, all said there was no such want of employment—no such distress, and that both had been occasioned by the alarm spread abroad by the new measures brought into parliament. The manufacturers, he could shew in evidence, were willing to employ their men; and they could find a market for their goods, but they could not find any means of paying them.—Rash or incautious measures might have the same effect on the landed interest; and if the noble earl determined to interfere in the management of corn, he might excite alarm among the agricultural interest, and by so doing he might put the agricultural in the same situation as the manufacturing labourers. He must say, that he had never known a more rash or imprudent measure than that of coming down to parliament, within a fortnight from the close of the session, and proposing a measure which was almost sure to create alarm, and which he could not but say at least presented appearances that might in some degree justify that alarm.

The Earl of *Liverpool* agreed that to ascribe the present distress to the state of the corn laws, was to blind one's-self to the state of the country for the last year. But as to the noble lord (*Lauderdale*) saying that this distress did not arise from want of demand, he wished to know what else did it arise from? If a man wanted a coat or shoes, he might put off, for a few days, the purchase of them; but he would ultimately have them; and the only difference would be in his having them a few days later or earlier. That was not so here. Labour was not merely suspended; it was absolutely at an end; and the cause was—and there need be no greater or more powerful cause—the system of over-trading which had been lately pursued. If there was a demand, there would soon be the means of supplying it; and the manufacturers might again be employed; but no such demand existed; and the cause was, a glut. No matter where this glut existed; if there was a brisk demand last year and none this, the fact could not be otherwise, than that the market had been over-supplied. That, however, afforded no argument against taking any measure that might, whether directly or indirectly, bring relief to the sufferers. And the cause to which he had alluded, though undoubtedly the greatest in producing the evil, might perhaps have been aggravated by the particu-



garding the state of the currency, and upon this point I may add, that I, too, am anxious to witness the restoration of a metallic circulation; but seeing what I see, when we make an approach to this desirable object, and remembering what has already occurred, I must repeat, what I expressed some years ago, my doubts as to the possibility of accomplishing it. I doubt whether the country be capable of passing through and recovering from the distress by which it must be inevitably preceded. I admit that faith with the public creditor ought to be kept by great sacrifices, if sacrifices are of avail for that purpose. But it is a sound maxim of law, that *nemo tenetur ad impossibile*, and if the Government be placed in a situation in which it is impossible to keep the country in a state of decent prosperity, it is not required to do impossibilities, and to throw the whole state of society into confusion by attempting them. The more I see of the situation of the country, after more than ten years of peace, suffering as it does at this moment so severely from the effects of an extravagant, and as I always contended, an ill-advised war, the more I am persuaded that no half measures will be of the slightest benefit. Government must take up the whole subject with a sincere desire to probe to the bottom all the evils that afflict us, and to propose those salutary reforms, which alone can restore us to health and prosperity. If only temporary palliatives are resorted to, distress will follow distress in succession, assuming a more aggravated form, until it at last hurries on a fearful convulsion, from which I hope the country will have strength to recover, but through which the present generation cannot pass without a degree of suffering too painful to detail. This I am most anxious to impress upon the King's ministers, that it is absolutely necessary for them at this moment to satisfy the people, not only by professions, but by acts, that they are anxiously disposed to relieve them from needless burdens of every description. They ought to adopt a decided and an energetic resolution to carry into effect every rational project of relief; if they do not, the result may be ruinous to a degree, the consideration of which I dare not approach. Here at present I shall leave this painful topic—it must be amply discussed on some future occasion, and I trust, that if Government neglects its duty, Parliament will not neglect theirs; but, by inquiry, sift thoroughly all the possible causes of the present calamitous state of public affairs. Let us face our dangers with courage—to meet, is half to overcome. If the result be absolute and complete despair, we shall have done our utmost to avert it; and if means can be devised to remedy the distresses, we shall have to congratulate ourselves and our country on the success of our patient and earnest endeavours" (much cheering).

Earl Bathurst said, that, as to the distress of the manufacturing districts, and the necessity of alleviating that distress, there was, he believed, but one feeling throughout the country. If he had any doubt of the wisdom of the proposition made by the noble marquis, it was founded on his belief, that if it were acceded to, it would open the door for applications of this kind from time to time; and they would press so frequently on the country, that in the end it would be found to be a great national evil. His noble friend (the Earl of Liverpool) did not attribute the distress of the manufac-

turing districts to the operation of the corn laws. His noble friend never stated that to be the cause; but, on the contrary, had always maintained, that that distress was mainly attributable to the immense extent to which speculation had been carried, by which the market became overstocked, while the demand was sensibly diminished. The measure now proposed by his noble friend was intended as well for present relief, as, if circumstances called for it, to ward off future distress. What his noble friend proposed was—that in the event of a rise in the price of corn, a power should be granted to check the increase of price by admitting a greater supply. He conceived it to be possible that corn might rise, after the close of the session, to what was stated to be a famine price, and he was anxious to provide for such an exigency. What did the noble earl (Grey) consider to be a famine price, taking into account the state in which a large portion of the manufacturing population was placed? Undoubtedly 80s. was a famine price, situated as the manufacturers now were; and yet, unless corn rose to 80s. per quarter, it was not in the power of the Government, as the law now stood, to let the corn at present in bond into the market. What was bonded previously to the passing of the act, might, by the measure of last year, be taken out when wheat had advanced to 70s. per quarter; but all that was bonded subsequently, could only be taken out when wheat had reached 80s. per quarter. Was that a situation in which any person who felt really for the suffering poor, could wish them to remain for one moment longer? With respect to the other, the precautionary measure of his noble friend, by which it was proposed that the Crown should be allowed to open the ports for the purpose of admitting a further supply of foreign corn, at a certain rate of duty—namely, 12s. per quarter—it was a power which, under the peculiar circumstances of the case, he thought every person must wish the Government to possess.

The Earl of Rosslyn argued, that the noble earl (Liverpool) had, in fact, attributed the existing distresses to the price of grain, by recommending, as a remedy, a measure to effect its reduction. Whatever professions he might make to the contrary, such was the inevitable conclusion. Thus he did all it was possible for a man to do to encourage clamour and delusion.—With respect to the second part of the scheme, it was impossible that it should be necessary in the present session more than in any other. When the noble earl (Bathurst) talked of a famine price at 80s. per quarter, did he not reflect, that to people who had no employment, and consequently received no wages, forty shillings would be as much a famine price as eighty?—It was the duty of the house to inquire: the necessity of relieving the people was not disputed; but the proper relief could only be applied by a full, fair, and fearless investigation.

The Earl of Liverpool said, that the measure proposed by him was not intended as a measure of relief that ought to supersede that species of assistance to which the noble marquis (Lansdowne) had alluded. He had objected to the measure of the noble marquis—not as one which, under no circumstances, should be resorted to, but as one fraught with so much public inconvenience, that nothing but overbearing necessity could justify its adoption;

and he came, in consequence, to the conclusion, that voluntary contribution was better than the measure which the noble marquis recommended.—As to the question of the corn laws, he had stated before that these laws were not the cause of the distress. They had, however, seen that the price of corn had been rising for some weeks past, and, without doubt, if it continued still to rise, that circumstance would act as a great aggravation of the present evil. When noble lords argued this question, they ought to take these facts into consideration,—that though there were individuals who had no employment at present, there were others who had some work, for which they received a small price. Now, no person could say that the amount of wages they paid for their bread was not to them a most material consideration. He would therefore contend, that the two measures,—the one admitting bonded corn into the market, and the other giving the king in council the power to open the ports, and to let in farther supplies,—precautionary measures, with a view to prevent any thing like a famine price, which at any time was dreadful to contemplate, but the effects of which would be terrible now,—were the best that could be devised under all the circumstances.

Lord Ellenborough observed, it was generally considered that the present moment was the worst that could be selected for considering the state of the corn laws, but ministers seemed to think that it was the most favourable time to put an end to them, without any consideration at all. It appeared to him, that ministers were endeavouring surreptitiously, under cover of those feelings to which the present state of distress had given rise, and not in principle,—not in consequence of inquiry, to effect an alteration in those laws in which otherwise the house, perhaps, would not be willing to concur,—an alteration which, he was convinced, were it once admitted, would be continued. He therefore hoped that those who were not hostile to the present corn laws would not allow that to be effected as a temporary measure, which, if once carried, would probably assume a permanent character.

The Earl of Darnley feared the noble earl was not aware of the mischief which must arise from the want of immediate assistance; and therefore he conceived it to be his duty, and the duty of the house, to call on the noble earl to adopt some more efficient measure than that to which he had adverted. It was absurd to talk of the danger of creating a precedent, when individuals were actually expiring from want. Ministers would not satisfy the public, the country, or the starving manufacturers, if they did not take measures of a different nature from those that were proposed.

Here the discussion terminated.

COMMONS. — Mr. Canning :—" I rise, sir, to give notice of my intention to submit to the house, to-morrow, a measure for some modification in the corn laws, with reference to the existing distresses in the manufacturing districts (hear, hear). The accounts received this morning of the sufferings of the people, in these districts, are such as must deeply affect every human heart not altogether callous to the distresses of our fellow-creatures. Whatever may be the expediency of interfering in this way for their relief upon general prin-

ciples, there are some cases of such peculiar hardship, that they call for extraordinary measures for the immediate alleviation of the calamity, as far as that can possibly be done by any regulations that can be adopted. The measure which I intend to propose appears to me the best calculated to meet the existing evil, and the least objectionable in point of principle that can, at present, be devised. In the neighbourhood of the places in which the distress is most severely felt—in the ports of Liverpool, Hull, and other sea-ports—there is a considerable quantity of bonded corn, which cannot, as the law at present stands, be brought out for sale in this country. When the question respecting the corn laws was lately brought before the house, ministers opposed any alteration in those laws, in the full persuasion that the present was a most inconvenient time for interference on the part of the legislature; in that persuasion they still continue; and the very existence of the present distress is, in itself, an argument that this is an inconvenient time for interference with the general question. What I propose, then, to submit to the house, is a measure somewhat similar to that which was adopted last year, but under different circumstances; a measure which may do good, and can do little or no injury to any class of men. What I propose is, that a law should be passed for enabling the proprietors of bonded corn to bring their grain into the market. The amount of bonded wheat is understood to be from 250,000 to 300,000 quarters; and the infusion of this quantity into the corn market may prove beneficial to the people, without any material injury to the agricultural interests. But it is even something to do away with the impression of people being reduced to such an extremity of distress with abundance of food locked up in their vicinity. So far, then, we may, I think, fairly and safely go, in affording such relief as lies in our power, to those on whom the distresses of the present crisis press most heavily. But as we cannot, at this time, be sure of the state of the next harvest, I mean further to propose, that in the bill to be submitted on this subject a clause should be inserted to enable his Majesty in Council to open the ports for the admission of foreign corn, either partially or generally, at the discretion of Government, during the recess of parliament, in case such a measure should appear to be necessary or expedient (hear, hear). With respect to the opening of the ports—if that shall be found expedient—I propose, that the minor duty of twelve shillings per quarter should be imposed upon foreign grain imported into this country. I believe the regular mode of proceeding will be, to move to-morrow that the house go into a committee on the Corn Act of 3d Geo. IV., with a view to the introduction of the measure now in contemplation; but I wish it to be distinctly understood, that I do not mean to propose any alteration in that act, beyond the two points which I have mentioned" (hear, hear).

Mr. Tierney rose to express his great gratification at the measure proposed, and his entire concurrence in its propriety.

Mr. Philips said, that he could not avoid stating what he had recently heard from an intelligent gentleman connected with the manufacturing districts—that his house was ready to go on with business, if there was any prospect of obtaining returns; but at present the state



of the exchanges was not favourable, and remittances could not be made without a loss. He added, that if an importation of foreign corn was allowed, it would afford an opportunity of obtaining a vent for their produce, and the advantage which the manufacturers desired by this was not so much the lowering of the price of corn here, as the obtaining a mode of disposing of their goods elsewhere. Though he (Mr. Philips) would not offer any objection to the temporary measure now proposed, yet he thought the most effectual way to prevent a recurrence of the calamities under which the manufacturing districts were suffering, would be to allow permanently the importation of corn under fixed duties.

Mr. Ellice.—The mere act of making corn more plentiful and cheap would not relieve the wants of the starving manufacturers. They should be put in possession of the means of buying that corn. As far as information from the distressed districts might be relied upon,—and he had reason to fear that its accuracy could not be doubted,—the case had now arrived at that urgent crisis which fully justified the immediate interference of parliament by a grant of pecuniary aid.

Mr. Canning said, it was not at present the intention of Government to submit any other measure to the house than those of which he had already given notice.

Mr. James fully concurred in the observations of the hon. member (Mr. Ellice), that some immediate pecuniary relief should be afforded by parliament. It would be absolutely useless to throw a supply of corn into the market, if some means were not afforded to the starving poor to purchase it. Ministers would do well to imitate the excellent example of his Majesty, and give up a part of their large salaries to prevent their countrymen from starving: they ought to review the estimates, in order to ascertain what sums might be saved, in order to rescue thousands of poor starving manufacturers from destruction. Was this a time to lay out such a sum as 9000*l.* in the purchase of three pictures, when the inhabitants of whole districts were dying of hunger,—when they were told of one unfortunate woman, who had stolen a joint of meat, and who, being pursued by the owner, was discovered in the act of dividing it uncooked among her half-famished children,—when they heard of another female, who continued for twenty-four hours, after giving birth to a child, without being able to obtain food of any kind,—when they heard of some unfortunate men lying under the feet of the horses belonging to the troops sent to repress their violence, and praying that they might be trampled to death, rather than that they should perish through hunger,—when they heard of other wretched men feeding on cats—(Here there were evident symptoms of impatience)—He hoped the house would hear him for a short time. It was the last time which he would ever address them; for if his constituents were to give him 1000*l.* a-year, he would not consent to sit any longer in that house (a laugh). He must say, that any man who did not deeply feel for the distress which now existed in so many parts of the country, did not deserve the name of Englishman (hear, hear). Why, if the unfortunate people now suffering were blacks, the house would never hear the end of it (hear and laughter). The table would have been loaded

with petitions to the very ceiling (hear, hear). Why did not the Saints come forward on this occasion (hear, hear), and exert themselves in the mitigation of human suffering which existed almost at their own doors? Why did they not get rid of their colonial, or rather anti-colonial office (hear, hear), and send down part of the large sums subscribed to the sufferers at Blackburn? Half the sums which they had expended in printing, would, if sent down and distributed among the distressed districts, do more good in a day, than they with all their printing and parchment would be able to effect during their lives (hear, hear). It was not yet too late for ministers to review the estimates, and try what sums might be reduced, in order to save starving multitudes.

Mr. T. Wilson said, that while he concurred with ministers in the propriety of the measure of which they had given notice, he also agreed with the hon. member (Mr. Ellice), that that measure alone would not be sufficient. It was not a want of corn, but a want of employment, and consequently of the means of purchasing food, which caused the distresses now felt in the manufacturing districts. He had every hope that the meeting to be held in the city to-morrow would be productive of much; but still he could not anticipate that its result would be sufficient to meet the evil to its whole extent. He would suggest, that if pecuniary aid were afforded, it might be advanced to the parishes in the distressed districts in aid of the poor's rates, and the application of it confided to the local authorities, who would have the best means of knowing cases in which relief was most required.

The Chancellor of the Exchequer rose for the purpose of expressing a hope that the citizens of London would not be damped in their benevolent efforts to relieve the misery which unfortunately existed among so large a portion of their countrymen by any considerations of what might be done elsewhere. In submitting any proposition to parliament, the thing which of all others the Government deprecated was, that what they felt themselves bound to do should have the slightest tendency to damp that generous ardour in the cause of humanity which had hitherto been, and he hoped would always continue to be, the characteristic of this country, and the ready means of animating all classes of his Majesty's subjects to the performance of their public duties (cheers).

Mr. Peel:—It had been his painful duty to receive reports of the distress which existed, and of the disorders which arose out of it, and to take the most effectual steps in his power to repress those disorders and to prevent their recurrence. Yet, while he did this, he could not withhold the expression of his deep commiseration at the severity of the distress, or his admiration at the patience and forbearance with which (with some few exceptions) that severity of suffering had hitherto been borne in the manufacturing districts. He had every confidence in the effect of the measures now proposed, and of the exertions which he had no doubt would be made to render them still more effectual; and he hoped that this occasion would be the means of strengthening those bonds which united the higher and the lower classes in this country, by affording additional manifestations of great liberality on the one side, and of a grateful sense of it on the other (hear, hear).

Sir J. Wrottesley remembered that a few



to great distress existed in the county (Staffordshire). The re-entry subscribed most liberally towards relief; but all their efforts would have been ineffectual, but for the aid they derived from a committee sitting in London for the purpose of receiving subscriptions. The cause of the disturbances was at length removed by the exertions made to relieve them had been a degree of kindness and of respect to the lower classes to the higher, which had been the conduct of the former most excellent, and these good effects continued up to the present time.

*Mr. Smith* said that there existed in the general sentiment, that on such occasions of the meeting to be held to-morrow, the proprietors of London were not efficiently supported by persons of rank and fashion at the time. He did not make this remark with a view to censure, for he himself had witnessed it in many instances. He hoped, however, that those whom he alluded to, who could spare some time to attend at the meeting of to-morrow, they who might not be able to attend, and their liberal subscriptions.

*Mr. Curtis* expressed his concurrence in the views of *Mr. Smith*, which would, he had no doubt, give him relief. At the same time he hoped that the government would, in carrying it into effect, keep within the limits prescribed. He lamented the existence of the distress in the north; but he could assure the hon. member that there also existed a considerable distress among several of the agricultural districts.

*Mr. Canning* assured the hon. member, that he considered himself as acting most unbecomingly, particularly after the very handsome manner in which he tendered his support of the measure, if under cover of a temporary absence he should either now, or at any future meeting, audaciously carry it farther, so as to affect the question, with which he would admit of some degree allied.

The motion was then put and carried, that the house should resolve itself into the committee to-morrow.

THURSDAY, MAY 2.—The Earl of Derby moved for returns of the average price of wheat for the years 1823, 1824, and for the first four months of 1825. He had already intimated his assent to the first two measures proposed by ministers. He was, however, as he did to the first measure bringing into consumption corn now, he did not think that the house ought to assent to the second proposition without some reason for believing it would be found that there was no necessity for granting the required authority for the importation of foreign corn, and certainly the present distress was owing to the price of corn. He therefore gave notice, that he would on Monday move a resolution, which, admitting that it was proper at the present moment to agree to the importation of the bonded corn, at a certain rate, when wheat had fallen yesterday, the minister gave his notice, 10s. the bushel would be for their lordships well to consider that duty should be—would declare any farther change without inquiry.

*Earl of Limerick*:—The measures proposed by ministers could not operate as any

remedy to the existing distress. What relief would it be to offer a quantity of corn for sale to people who had no money to buy it? The effect, however, of these measures on the agricultural interest was to be dreaded. The noble lord near him had just stated that corn yesterday fell 10s. the load, which was equal to 2s. the quarter.

*Lord Ellenborough* cautioned the house against trusting too much to *Mr. Jacob's* report. That report was a very entertaining book of travels, but not a sufficient authority to enable their lordships to legislate on the corn laws. Whatever might be the character of the information it afforded respecting the countries on the borders of the Baltic, something more was wanted to enable their lordships to come to a decision. It was impossible for any one to look into the history of the corn laws, without knowing that the countries on the Baltic afforded only a small part of the supply of corn introduced into this country when importation was permitted. Their lordships must know that corn could be equally imported from France, the Netherlands, Portugal, the shores of the Mediterranean, America, the countries on the Black Sea, and other quarters. What reliance then was to be placed on a document, the whole information in which was confined to Poland and Pomerania?—He wished the noble lords also to consider, that by agreeing to the first of the two measures proposed by ministers, the second was likely to be more easily carried. This would be obvious, when it was considered that allowing the bonded corn to come into the market would occasion a considerable fall in price, which would again cause an increased consumption. Now if there should happen to be an unfavourable harvest, the consequence of the increased consumption would be to render that importation indispensable, which might otherwise be avoided.

*Lord Teynham* observed, that the depression of the agricultural interest would take away the only means that remained of giving employment to the labouring poor.

COMMONS.—*Lord Milton* presented a petition from *John Hill*, of Manchester, praying that the house would take into consideration the distressed state of Manchester and Salford, and that they would pass an act for bringing the bonded corn out for consumption, and also for the admission of foreign corn at a reasonable duty.

*Mr. Brougham* said, that there could be but one opinion as to the prudence of the measure which was to be carried into effect with respect to bonded corn; but he had, he confessed, some doubts as to the propriety of that proposal, which would give the Crown a power of permitting the importation of foreign corn during the recess of parliament, whenever it might be considered expedient, at a duty of twelve shillings a quarter. One thing seemed certain, that whatever that duty might be, whether twelve shillings or any other sum, that sum would be ultimately taken as a minimum of any future arrangement, when the subject came to be more deliberately investigated.

*Mr. Canning* observed, that the sum of twelve shillings had been taken simply as the sum which stood in the act of last year, and not with reference to any future resolution. If they were about to name, for the first time, an arbitrary sum, they might lay themselves open to such an inference; but they had chosen the sum



in the bill of last year, that they might not subject themselves to any such inference as the learned gent. would deduce from that proposition.

On Mr. Canning's moving the order of the day for the house resolving itself into a committee on the 3d Geo. IV. cap. 60, respecting the corn laws,

Sir T. Lethbridge said, it gave him great pain to offer any opposition to the measure which he understood was to be submitted to the house by the rt. hon. gent. (Mr. Canning). He knew the extent of the responsibility which every gentleman must incur who ventured to put himself forward for such a purpose at this moment, when the country was looking to the proposition of the rt. hon. gent. as the means of imparting relief to the distresses of a large class of the community, whose sufferings no man deplored more sincerely than he. But awful as the responsibility was, and great as might be the blame which he should incur, he was impelled by a sense of duty to object to the mode of relief which was proposed. To the first proposition of the right hon. gent.—that of letting out the corn in bond on paying a duty of 12s. per quarter, there might be no objection; but it was to the next proposal, that of enabling Government to permit the importation of foreign corn at their discretion, that he wanted now to call attention, because it involved the whole principle of the corn laws. But a little fortnight ago, when an hon. member (Mr. Whitmore) had proposed, to deal with the whole system of the corn laws, the proposition had been overruled by a large majority. The argument by which it was attempted to support that proposition was, the possibility of a scarcity. If that fact could be proved, it would furnish a very forcible reason against the principle upon which the corn laws rested. But what was the opinion then expressed by Government? Did they not say that the proposal was ill-timed—that in the existing circumstances of the country, such a question ought not to be disposed of in such a manner? He would ask what had arisen since to justify the alteration which had taken place in the opinion of ministers? The distress now complained of existed then, and it was only because it had been of longer duration, that it was now greater. There had been no rioting then, and he had heard, he did not pretend to say how truly, that the cause of the riots since, might be in a great measure attributed to the manner in which that question had been treated in the house. He, however, was much more disposed to attribute those riots to the distress.—Much was to be hoped in relief of the present distress, from the charity of individuals. The poor-rates were also available; for if a parish were unable to support its poor, it had a right to call upon the adjoining parish for aid; and this mode might be safely resorted to for the relief of the existing distress. Even, if it were necessary, a pecuniary grant might be proposed, in aid of the poor-rates; and for his own part, he was of opinion that it would have been a much more rational and justifiable course than that which was now contemplated: for would the right hon. gent. venture to say, that the high price of corn was the cause of this distress (hear, hear)? He could not believe that so great a fallacy would prevail in that house (hear, hear). He knew that, elsewhere, the notion had been promulgated by persons of great talent, and that it had been

used as a pretext for coming at the landed interest, and destroying them at one blow. He, however, knew that the cause of the distress was to be looked for in various other sources, and therefore it was that he resisted the present motion. He knew that ministers avowed no intention of interfering with the corn laws; and if this representation had been such as he could have given credit to, he might have been content to offer no opposition to the measure. It was stated by the right hon. gent., that the quantity of corn now in the country under bond consisted of 250,000 or 300,000 quarters. He had reason to suppose that the quantity was underrated: and from the account given by Mr. Jacob, he found that 600,000 quarters formed about one week's consumption in England; whence, supposing this statement to be correct, it was obvious that the introduction of such a quantity as was said to be in bond, could have little effect in alleviating the present distress. He therefore thought that under the pretext which was held out, the real object was to get rid of the corn laws by a side-wind. He was sure that imposing a duty of 12s. a quarter on foreign corn, would have the immediate effect of throwing out of cultivation a vast quantity of land, and that distress similar to that which had been felt in 1821 and 1822 would again be experienced. This was a state of things which every one would admit ought to be avoided if possible, and the house need not be told that the distress of the agricultural classes was not less poignant than that of the manufacturers, although, unlike that of the latter, it did not break out into open violence. The manufacturers were congregated together in large bodies. The physical force which they were capable of presenting, had always the effect of intimidating; and in the present reduced state of the military establishments, this consideration had a greater weight than at other times would have belonged to it. He cautioned the house against being led into the adoption of any measure in which this feeling of intimidation might have any share, because it must not only be fallacious in the prospect which it held out, but, as an example to other classes of the community, must be highly dangerous. The house were not called upon to afford protection to one class or to another, but to make laws for the benefit of the whole country (hear, hear). Would it be said, then, that the manufacturers were entitled to the protection which it was now proposed to give them, at the expense of other and not less important interests? It was plain, from Mr. Jacob's report, that the continental growers of corn regulated all their operations by the state of the British market. So long as they could command high prices in the markets of this country, the corn growers of the Continent encouraged their crops. When, in 1821 and 1822, their importations were checked, the cultivation of corn was given up, and wool was grown to a great extent instead. It appeared by the returns, that in 1821, 7 millions of pounds weight of wool were imported; in 1822, 11 or 12 millions; in 1824, 18 millions; and in 1825, 42 millions. Who then could doubt that the immediate consequence of the proposed measure must be to reduce the importation of wool, and to increase the importation of corn? He (Sir T. Lethbridge) could not have supposed, after the fate which the motion of the hon. member (Mr. Whitmore) had experienced, that after only ten days, ministers would themselves

posed what was equal to an annihilation of the whole system of the corn laws.—He had heard a great deal respecting principles of free trade, and had taken pains in consequence, the result of which so clearly appear to be beneficial. On his own part, he was of opinion that those who were carrying ministers out of their country for it was not from the persons interested in the corn alone, but from those concerned in the sugar and commercial quarters, that the most complaints which had not yet been uttered. He hoped the right hon. gentleman (Mr. St. John) would be prepared to refute these statements. From his talents and acquirements, his might be expected; and although he was that the right hon. gent. was only in all his measures to do good, he was less compelled to look at the effect of his measures had produced abroad and

It was yet to be shown that the result of which so much had been said tended its advantage to us—while while we had given advantages to other countries, those countries had not been unwilling in extending similar advantages to us (hear). Without, however, going into the principles of free trade than as to corn, he contended that it was impossible to put that upon the footing of other things until it had been relieved from the burthen it at present bore to the same extent the house look at the expenses which they had to pay. Look at the amount of the national revenue; look at our immense estates, and say whether it was possible to have corn cheap. They must consider that £30 millions to pay the public creditor; would rather sell the coat off his back than be should be defrauded of what was due to him. The nation was bound to the debt, and the credit of the nation destroyed by the slightest infraction of the right hon. gent. was bound to look at these things, and he would do well to consider the danger in which the measure he was about to propose might place the importers he had alluded to.—He wished it to be gone into before passing the measure. If he should agree to them, he should be admitting, what he denied, that the high price of corn was the cause of the distress. He should therefore, as an amendment, "that a select committee be appointed to inquire into the cause of the distress in the manufacturing districts of the best means of applying a remedy."

Mr. St. John said, that even those who advocate the measure did not pretend that it would be a remedy. If, then, it was not likely to be a remedy, what could be said to induce the house to adopt it? He was much disposed to attribute the distress to the depreciation of the currency than to the corn laws. The price of corn was not greatly reduced, and the present measure would not alleviate the distress, and if it should be reduced to a consistent extent, it would transfer the distress from the manufacturing to the agricultural districts.—He was the more opposed to the measure because it seemed to admit that the corn was producing or tending to aggravate the distress. Once get this opinion fixed in the minds of the manufacturing labourers, and they would proceed to destroy agricultural pro-

perty, in the same way that they were now destroying their own machinery and tools—a course about as rational as that of the Irish, who had burned the bank-notes wherever they found them, in order to injure the bankers by whom they had been issued.—Upon the subject generally of the corn laws, his personal opinion had always been in favour of admitting corn conditionally—without regard to home prices—at a protecting duty: as to the amount of that duty, he agreed with the late Mr. Ricardo, that it ought to be just so much as would compensate the land-owner for the share he was compelled to bear of the public burdens, and not one shilling beyond; but he had voted against the motion of the hon. member (Mr. Whitmore) a few evenings since, both because he thought the time unfavourable for discussing the question, and the duty proposed insufficient. The duty, however, at which the right hon. gent. desired to let the bonded corn into the market, was 12s.; and they justified it upon the ground that it was the duty put on (when the ports were opened) by the existing law. But, though 12s. was the ultimate duty at which the corn was to come in, yet for the first three months, it should be recollected, there was the imposition of an additional 5s., making 17s. Therefore, if we were to assimilate the new measure in any degree to the existing law, it was at 17s. the bonded corn ought to be admitted, and not at 12s.; and this, rather, because the difference in the home price at which the admission was to take place, was all in favour of the higher duty: if a duty of 17s. was necessary when corn was 80s. surely a greater duty rather than a less would be requisite when it was at 60s. or 65s. The least that the house could do in justice to the agriculturists, was to make the importation duty 17s. for the first three months, as it stood by the existing law; and, even then, he was convinced, in spite of all that had been said by the right hon. gent., that the quantity of corn in bond would have a very powerful effect upon the market.—He was decidedly in favour of the committee proposed by the hon. bart. (Sir T. Lethbridge): measures might there be taken for the relief of the distress, far more efficient than this change in the corn laws. Proper persons might be sent down into every district, to inquire what the suffering classes were actually receiving from the poor's rate, and to ascertain what was the best mode of administering further to their necessities. A sum of money voted by parliament might be sent down in proper proportions to different parishes, either to be distributed in aid of, and through the same medium as the poor's rate, or to be laid out in the purchase of corn which afterwards should be sold at a cheap rate to those who stood in need of it.

Mr. Canning assured the hon. member (Mr. Benett) that no man could think more unworthy of ministers than they would think of themselves, if there were any foundation for the charge, that they were attempting, by a side-wind, to alter the established system of the corn laws. For the present measure, he proposed it under peculiar circumstances, without the slightest reference to the merits of the general question: and he was sorry for the course which had been taken by hon. members who had preceded him, lest it should induce persons out of doors to unite two considerations, which in truth were—as he had intended to keep them—perfectly distinct. Now the argument of the hon. members was—



that, to touch the corn laws for the relief of the present distresses, was to admit that the corn laws had occasioned those distresses. He (Mr. Canning) did not think it necessary, in the first instance, to consider what had occasioned the distress. He might concede to the hon. member, *argumenti gratia*, that it arose from the system of free trade, or from whatever other causes he thought fit; but, let it arise from what it would, there being so obvious a remedy at hand, as the letting out of bond a quantity of corn, in the very neighbourhood of a crowd of persons who were afflicted with want, the propriety of resorting to that remedy, he thought, was too clear to be denied. To say that admitting this corn as a remedy for the evil was making the absence of the corn the original cause of it, was an argument, as it seemed to him, no more capable of being sustained, than if a man should say that because a particular medicine—bark or senna—had cured him of a particular disease, it was for the want of such bark or senna that he had first been taken ill. It would be too tedious to follow the hon. member (Sir T. Lethbridge) through the question as to what had, or what had not been, the real cause of the distress. Afflicting as it was, it was no more than, from time to time, the country had been subject to, nor than probably must still continue occasionally to visit us, so long as we remained a great commercial nation. Perhaps it would be impossible to trace the distress to any definite cause; but this the house knew, that it existed; and the only point that remained to discuss, was the mode of alleviating it. Then, for the proposal before the house, it consisted of two measures, different from each other in their extent and operation, and which would require to be supported upon different grounds. There existed in this country a large quantity of corn, which had been imported under a law which forbade its coming at present into circulation; upon the very site of the granaries in which this corn was lying, there was a grinding and destructive distress; then could there be a question as to the propriety of at once letting that corn into circulation, and so gaining a considerable immediate relief at little or no sacrifice on the part of the community? This was the first part of the measure proposed: the second was to give Government a power, prospectively, to admit foreign corn, in case an extreme necessity should make it, in their estimation, advisable to do so. Now, he was no alarmist as to the quantity of corn in the country, nor did he know how far prices were likely to rise; but, for the last six weeks, no matter from what cause, we had had a rising market; and there were symptoms of a rising market still. This was so clearly the case, that he thought that the bonded corn admitted would have no more effect than to prevent a farther rise. In speaking of prices, it would be understood that he did not speak of "high" prices, or "low" prices, because those terms were properly relative to the condition of the country. This time twelve-month corn had been at 67s.; now it was at 60s.: using the common terms, therefore, prices would seem to have been higher in the last year than they were in this; but looking at the comparative state of the country, there could be no doubt that the 60s. was a higher price now, than 67s. had been twelve months ago. He repeated, therefore, that he avoided using the terms "high" or "low," as regarded the price

of corn; the more so, because what was wanted in the price of corn, was not a high price, or a low price, so much as a steady price. But, suppose that during the absence of parliament, such a rise were to take place as would create great and imminent distress, what course was to be pursued? Would the house attempt to legislate beforehand as to the precise prices and rates of duty at which importation should be allowed? Certainly not; because mere price was not, without reference to circumstances, a measure of what would be high or low. As the law stood, if, between this time and August next, corn did not rise in price to 80s., whatever the distress or inconvenience, nothing could be done. It might rise to 79s., and the distress might be most pressing, and still no relief could be had. To provide against these contingencies, Government now desired to be furnished with authority. Personally, they felt the power to be an infliction, but it was one which they preferred submitting to, to incurring the risk of mischief.—The observations of the hon. member (Mr. Bennett), as to the amount of duty, seemed to him founded in error, because the question was not one of amount; a reviving trade, with a high price, would assist the country more than a modified price with the existing state of commercial affairs.—The hon. member had deprecated any suspicion of insensibility on his part, to the distress of the manufacturing classes, in the opposition which he gave to the present measure. Now whilst he (Mr. Canning) gave the hon. member credit for the absence of any thing like interested motives, he hoped that the hon. member, on his part, would acquit Government of any intention, under the mask of a distress which all parties must like deplore, to come down to the house with a measure which went, or was intended to go, one point beyond the limit which they affixed to it. The present measure, as he (Mr. Canning) believed, was calculated to do service to the whole country; and not least even to those very gentlemen who were the most strongly inclined to oppose it; for, if power were given to relieve the present distress, they might perhaps find the current of opinion settling so strongly against the corn laws, that they might be unable to maintain them.

Mr. Bankes said, that there was a prevailing opinion among the lower classes, that they were suffering from the operation of the corn laws; the rt. hon. gent., who denied that this opinion was well-founded, in words, admitted it in spirit; for it was by tampering with the corn laws that he proposed to relieve the distress. What would the letting in of the bonded corn avail? Suppose it reduced corn to 30s. a quarter, how would that help people who had no money to buy it at any price? The principle, too, was erroneous. It was bad policy to encourage the working classes to look always, in case of distress, for an alteration in the price of corn. At the same time, thinking the measure could have little operation in any way, he would not oppose it. The second part of the proposition, however, he certainly should resist. Much as he was inclined to give credit to the present Government, he would not entrust the power of altering the whole agricultural trade to any Government, without a stronger proof than had been given of the necessity of the case.

Mr. Robertson thought that the measure proposed would serve only to aggravate the exist-



ing evil. The distress arose from a failure of demand consequent upon the recent commercial distresses, and from the glut of British manufactures which existed in all the markets of the world. If the bonded corn was allowed to be brought into the country, the agricultural interest would take the alarm, and a panic would follow its introduction which it would not be easy to allay. He had a proposition to submit to the house, which would extend the most effectual relief to the distressed manufacturers, without injuring the interests of the landed proprietors. He proposed that the house should grant a sum of money—he would name half a million—which should be placed at the disposal of Government for the relief of the distressed districts. The way in which this relief could be best effected would be to let Government, with this sum, purchase the bonded corn, and the money collected in subscriptions throughout the country might repurchase this corn for the relief of the starving manufacturers at 30s., or less than half its present price; and not only would that measure produce the effect of alleviating the present misery, but it could be effected without injuring in any way the landed interest.

*Mr. Whitmore*:—Under the present afflicting circumstances, he was of opinion that the measure proposed by Government would have the best effect; and, looking at the existing distress, he was persuaded, that if parliament separated without alleviating that distress as far as might be practicable, consequences the most disastrous would follow. The stock of corn in bond was now comparatively small, and if the ensuing harvest should happen to be unproductive, the present measure would be absolutely necessary. He conceived that in the usual state of the country, taking one year with another, the produce was not equal to the consumption. If the contrary were the fact, and if the produce could be proved to exceed or equal the consumption, there would not be any occasion for a revision of the corn laws. He was borne out in his assertion of the deficiency of produce to meet the consumption by the progressive increase of importation, taken on averages of ten years, from 1780 to 1820. Now, from the year 1823, down to last winter, the harvests had been neither very abundant, nor very scanty, so that during that period, a period, too, of considerably increased consumption, it must be concluded that the stocks on hand had been rapidly decreasing, and that very little of them now remained. The hon. member, in proof of this part of his argument, went over certain returns from Mark-Lane, from Liverpool, and from the general accounts of sales, and went on to point out the gradually rising prices in our markets, which had crept up from 55s. to 56s. 58s. 59s. and 60s. and a fraction. Seeing this progressive rise in prices, and knowing the state of the money market, he was led to believe that the stocks on hand were very small. They were in the possession of a very limited number of persons, and he should therefore contemplate an unprofitable harvest with the greatest possible alarm. He thought, therefore, that a power such as that required, should be confided to Government, and he was by any means inclined to view the granting of that power as a cause for alarm. He did not think that the letting out of the bonded corn would lower the price of that article so much as some gentlemen seemed to apprehend. The

corn-holders would not rush into the market all at once, but if they felt their own interest they would feed the demand sparingly. On the other hand, he owned he did not feel any confidence that it would afford any permanent relief. It would, however, have the effect of proving to the people that Government and parliament were disposed to give relief by the only practicable means which had been within their power.

*Col. Wood* said, that in answer to the hon. gent.'s (*Mr. Whitmore's*) observation that this country had hardly grown corn equal to its consumption, he would state that for the last seven years the country had been living on its own produce, and no importation had taken place.—He had no objection to let out the bonded corn at 12s.; but he thought it impossible to look at the discretionary power which was proposed to be vested in Government with respect to the importation of foreign grain, without reference to the corn laws. He hoped, if ministers should be invested with that power, that they would acquaint the house what price it was intended to fix for English grain, before the foreign corn should be allowed to be imported. For his own part, he thought it would be better to make a change in the corn law itself, with respect to the importing price. Why were the ports to be kept shut until the average price of corn should be 80s.? At the time when that regulation was made, there was great agricultural distress, and it was thought that 70s. was too low to extricate the agricultural interest from the difficulties by which they were surrounded. But they were now on their legs again; and as it appeared that the average price of wheat for the last six years was 60s., he would say, let the ports be opened at 65s. He thought it would be wise if the agricultural interest would agree to that proposition.

*Lord Milton*:—Unless he was much mistaken as to these calamities and their causes, the remedy now proposed had no relation to them. It was not want of food which was the grievance. The manufacturing interests were now suffering the extremity of distress which had assailed every commercial house about six months ago. It was not a want of food, neither was it a want of capital in the country; the real want was a want of credit; and his complaint against ministers throughout the session was, that their measures had a tendency to destroy the remaining credit of the country, and to prevent its revival. He wished persons in the house and out of the house to comprehend that this measure was not—could not—be a remedy for the evils now existing in Lancashire. The speech of the rt. hon. gent. was calculated to impress the house with a belief that the price of corn might rise to a pitch, when it might be necessary that ministers should be invested with a power to obviate the evil. If this might be expected, ministers incurred a heavy responsibility in advising the Crown to dissolve the present parliament. With respect to the proposition for a vote of money to relieve the distressed population, his opinion was, that if private individuals were called upon to subscribe, the legislature should come forward. Paupers were entitled to parochial relief: in the present case, the manufacturers of Lancashire were the paupers, and the state was the parish (hear, hear).

*Mr. Philips* eulogized the manufacturing



population; and observed, that were some of the most sensible amongst them admitted into the house, they would puzzle some of the country gentlemen who held their heads so high. He referred to a meeting of artisans at Manchester, assembled to discuss the subject of the corn laws, at which many sensible speeches were delivered, especially one by an artisan named Hodgins. From those speeches it appeared that the artisans did not attribute their distress to the corn laws.

Mr. Calcraft thought that no measure was more likely than the present to create disunion between the agricultural and manufacturing interests. He had at the beginning of the session thought that it was proper to set at rest the important question respecting the corn laws. Ministers, however, thought it would be imprudent to agitate it; nay, no later than five or six days ago, when an hon. member (Mr. Leycester) inquired of the rt. hon. gent. (Mr. Huskisson) whether it was intended to let out the bonded corn, he replied that there was no such intention (hear, hear). To what occurrences, which were not then in progress, was it owing that ministers had so hastily abandoned their resolution (cheers)? But his chief objection was to the second proposition. What! trust ministers with such a power as they asked, when they did not know their own minds? He defied any man to point out, in the weakest administration that ever existed, a greater degree of vacillation than they had displayed on this important question.—Taking off the restriction on foreign corn would have no effect in relieving the distress (hear); neither could individual subscriptions do it. When it was recollected what had been done for the Russians and the Hanoverians, the artisans would think it strange that parliament did not do something for them. He hoped that ministers would not persevere in the second proposition, but that a vote would pass for the relief of the distressed manufacturers.

Sir J. Newport would vote for the committee on the express condition that it be an instruction to it, that after considering the question as to letting out the bonded corn, it should afterwards take into consideration the general question of the corn laws, in order to see how far the second measure proposed would be proper, under present circumstances.—He would add, that whatever might be expected from the issuing of bonded corn, it was his opinion that it would be ineffectual, unless accompanied with a pecuniary grant.

Lord J. Russell thought it was matter of just complaint against ministers, that they had a few days ago refused to interfere with the corn laws during the present year, and now proposed a direct interference, as a necessary means of relief. It was asserted by the rt. hon. gent. that it would be inexpedient to make an advance of the public money; that it would be setting a bad precedent, which would be afterwards urged in support of similar applications, when any class of the people were pressed down by any embarrassment. But how was that principle preserved on the present occasion? The house was told that the only remedy that could be applied was an alteration in the corn laws. What was that but saying to the country, that the corn laws were the cause of the evils for which this remedy was proposed? And when in addition to the letting out of the bonded corn there was the other measure proposed of enabling Government to open the ports during the

recess, should circumstances render that measure desirable, was not this establishing a precedent, of which the people would not fail to take advantage on occasion of any future distress? They would then say, "You have already made an alteration in the corn laws for our relief: our necessities now require that you should make a farther alteration." As to the letting out the bonded corn, the necessity of such a measure would of course depend upon the stock of corn now in the country. He was of opinion that the corn about to be brought into the market would not have much effect in lowering the price of corn. But if it were intended as a relief to the distress of the manufacturing districts, why was it not thought of before?—He would now come to the second measure—that of giving to Government the power of opening the ports during the recess. He for one would hesitate before he left such a power to the discretion of ministers—a power which, by opening the ports even at the duty of 17s., might in the course of a few months so fill the country with foreign corn, as to destroy the agricultural interests for years to come. If such a power were considered necessary, the measure should have been introduced long before, when the whole subject, in all its bearings, might have had that mature consideration which its importance deserved. This, however, was not done, and he must say of the omission, that it was a gross abandonment of their duty on the part of ministers. He had lately voted with them on this subject, on the understanding that in the present year nothing was intended to be done with respect to the corn laws; and he would gladly vote with them again if they proposed any fair measure which would set the question finally at rest.—If the present distress were caused by a want of credit, nothing would be more useful than an advance of money to the manufacturers; but if it arose from a want of demand for their produce, then a grant of money would be of no use; but the difference of opinion which existed as to these points was a reason why an inquiry should be entered into as to what were the causes of the distress, and what would be the most efficient remedy.

Mr. Huskisson said, that he was strengthened in his opinion, that the present was neither a fit nor convenient season for going into a consideration of the general question of the corn laws, both by his knowledge of what was taking place out of doors, and still further by what he had heard from hon. members in this debate. It was evident to him that the discussion of this question would have greatly added to the agitation which prevailed in the country.—When his rt. hon. friend (Mr. Canning) had last night opened as much of the details on this subject as could be known, until it went into the committee, he had met with a spontaneous concurrence, as general as could be desired on the opening of an important public question. More than this, there seemed to be a disposition in the house, not to mix up this question with any heterogeneous matter, which he looked upon as a good omen, and as a sign that the proposition would be well received. It seemed, however, that since yesterday new lights had been let in on this question. Whether they arose in that house, or were inoculated from another quarter, he would not say; but hon. members appeared to have caught the notion, that Government intended to proclaim to the country that the present distress arose from the

peration of the corn laws. Such a conclusion, from what had been proposed, was most illogical and unfair. He must repeat, what he had always said, that those laws were not the cause of the distress, and he should be able to satisfy a house that the present measure was not promoted on any such assumption. A few facts could be sufficient on this point, and he would, therefore, call the attention of the house to the state of the country at the corresponding period of last year. At that period, when the most active employment prevailed in the cotton trade—when every exertion was made to extend it—when the whole world was ransacked for materials for building new factories,—when credit was high, and the manufacturers in full work,—during all that period of prosperity, corn was 1s. or 7s. higher per quarter than it was at present. When corn was so much lower now, it followed as naturally as effect could follow cause, that its price had no direct effect on the condition of the manufacturers. When he said that corn was higher last year than at present, he meant that it was nominally so; but considering the difference in the price of labour and other commodities at present, from what it was then, the present price of corn was not much lower in reality. The price of corn, therefore, was not the cause of the distress. But it was said that want of credit was the cause: if so, how could that be remedied, unless by an increased demand? The want of a demand was the effect of a glut, which occasioned the present dearth of employment. Not that employment had actually ceased. Many were still at work, on reduced wages. Now if the proposed measure would so reduce the price of corn, or prevent its rising beyond its present price, as to enable those who were still employed to eke out the time until a more brisk demand arose, it would accomplish no inconsiderable good. A similar measure, in one respect at least, was proposed last year, and received the support of the landed interest and the sanction of the legislature; and it was not for a moment apprehended that it would have an injurious effect on the agricultural classes. In the six weeks before the measure to which he alluded the prices of corn were—in the first week, 69s.; in the second week, 68s. 9d.; in the third week, 68s.; in the fourth week, 68s.; in the fifth week, 67s.; and in the sixth, 66s. 6d. Now, under these circumstances of a falling price, the legislature sanctioned the letting out into the market between 4 and 500,000 quarters of bonded corn, not because the price was then considered too high, but to prevent the chance of its rising so high as to open the ports, and inundate the country with foreign corn. When this was done in 1825, for such motives, was it too much to ask in the present state of distress, to guard against the danger of corn rising to a very high price; especially when they considered that in 1825 corn was falling, whereas in the last six weeks it had risen? In proposing this measure, they were only doing what had been already done, not only without injury, but even with advantage to the landed interest, as he would show before he sat down.—He now came to the second, and as he perceived the more objectionable measure. In the absence of any exact statistical surveys on the subject, he would not hazard a statement as to whether the stock now in the country was sufficient to afford a supply until the harvest. But in the absence of such information, there were facts

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to which he could not shut his eyes. The price of corn had been for some time rising, and by the returns of the several towns from which the averages were made up, it appeared that the supply in the market was now less by several hundred thousand quarters, when compared with the same period of last year. Now let it be recollected what was done last year. Nearly 500,000 quarters of bonded corn were sent into the market between the month of June and the harvest. The harvest itself was earlier by nearly a month than it had been known for many years, and was gathered in under circumstances which made it available for consumption a month earlier than the usual period. Taking these facts, he would without hesitation assert, that they owed it to the supply of foreign corn then thrown into the market, that the ports were not opened on the 15th of last August. He would contend, therefore, that it was not a visionary assertion, that between this time and the approaching harvest, the country might be placed in difficulties of which the consequences might be most serious. Let it be borne in mind, that without the measure now proposed, corn might rise, not merely to 80s., but to 100s., and still the ports could not by law be opened before the first week after the 15th of August, unless parliament were called together in the interim. But suppose parliament were called together. Would that be a proper time to enter into a discussion on the corn laws, when famine stalked through the land? Was it not, therefore, better to provide in time, and not to depend on such contingencies. Let not gentlemen go away with the impression, that by the adoption of this measure, the ports must necessarily be opened. They would remain shut, unless such circumstances occurred as would render their opening necessary. If it should be thought right to add to the limitation of time and circumstances the limitation of price—as, for instance, that the ports should not be opened unless the price were at 65s.—he would say, that for that or for any other prudent limitation which parliament might give them in the exercise of the power which it intrusted to their hands, he for one should be thankful. Let parliament, however, consider, first, whether it would lock up this quantity of corn in the face of rising prices in the present distressed circumstances of the country, after it had liberated a much larger quantity last year under far more favourable appearances; and secondly, whether it would see the session terminate, under all the difficulties with which the manufacturing classes had to contend, and with all the feelings which those difficulties were likely to engender among them, without leaving to ministers, under some limitations, or with some instructions, the power of proving to the people that means of relief were provided for them in case corn, before the ensuing harvest, should amount to an inconvenient price—inconvenient, he meant, with regard to their means of obtaining supply. If parliament refused ministers that power, those who induced it so to act would incur a responsibility, of which they would do well to contemplate the extent. He protested beforehand against the consequences which must ensue, if, for three months or more, Government should be left without the power of relieving a starving population by the introduction of foreign corn.—He had now stated the grounds upon which he was inclined to support the motion of his right hon. friend.

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population, and observed, that were some of the most sensible amongst them admitted into the house, they would puzzle some of the country gentlemen who held their heads so high. He referred to a meeting of artisans at Manchester, assembled to discuss the subject of the corn laws, at which many sensible speeches were delivered, especially one by an artisan named Hodgins. From those speeches it appeared that the artisans did not attribute their distress to the corn laws.

Mr. Calcraft thought that no measure was more likely than the present to create disunion between the agricultural and manufacturing interests. He had at the beginning of the session thought that it was proper to set at rest the important question respecting the corn laws. Ministers, however, thought it would be imprudent to agitate it; nay, no later than five or six days ago, when an hon. member (Mr. Leycester) inquired of the rt. hon. gent. (Mr. Huskisson) whether it was intended to let out the bonded corn, he replied that there was no such intention (hear, hear). To what occurrences, which were not then in progress, was it owing that ministers had so hastily abandoned their resolution (cheers)? But his chief objection was to the second proposition. What! trust ministers with such a power as they asked, when they did not know their own minds? He defied any man to point out, in the weakest administration that ever existed, a greater degree of vacillation than they had displayed on this important question.—Taking off the restriction on foreign corn would have no effect in relieving the distress (hear); neither could individual subscriptions do it. When it was recollected what had been done for the Russians and the Hanoverians, the artisans would think it strange that parliament did not do something for them. He hoped that ministers would not persevere in the second proposition, but that a vote would pass for the relief of the distressed manufacturers.

Sir J. Newport would vote for the committee on the express condition that it be an instruction to it, that after considering the question as to letting out the bonded corn, it should afterwards take into consideration the general question of the corn laws, in order to see how far the second measure proposed would be proper, under present circumstances.—He would add, that whatever might be expected from the issuing of bonded corn, it was his opinion that it would be ineffectual, unless accompanied with a pecuniary grant.

Lord J. Russell thought it was matter of just complaint against ministers, that they had a few days ago refused to interfere with the corn laws during the present year, and now proposed a direct interference, as a necessary means of relief. It was asserted by the rt. hon. gent. that it would be inexpedient to make an advance of the public money; that it would be setting a bad precedent, which would be afterwards urged in support of similar applications, when any class of the people were pressed down by any embarrassment. But how was that principle preserved on the present occasion? The house was told that the only remedy that could be applied was an alteration in the corn laws. What was that but saying to the country, that the corn laws were the cause of the evils for which this remedy was proposed? And when in addition to the letting out of the bonded corn there was the other measure proposed of enabling Government to open the ports during the

recess, should circumstances render that measure desirable, was not this establishing a precedent, of which the people would not fail to take advantage on occasion of any future distress? They would then say, "You have already made an alteration in the corn laws for our relief: our necessities now require that you should make a farther alteration." As to the letting out the bonded corn, the necessity of such a measure would of course depend upon the stock of corn now in the country. He was of opinion that the corn about to be brought into the market would not have much effect in lowering the price of corn. But if it were intended as a relief to the distress of the manufacturing districts, why was it not thought of before?—He would now come to the second measure—that of giving to Government the power of opening the ports during the recess. He for one would hesitate before he left such a power to the discretion of ministers—a power which, by opening the ports even at the duty of 17s., might in the course of a few months so fill the country with foreign corn, as to destroy the agricultural interests for years to come. If such a power were considered necessary, the measure should have been introduced long before, when the whole subject, in all its bearings, might have had that mature consideration which its importance deserved. This, however, was not done, and he must say of the omission, that it was a gross abandonment of their duty on the part of ministers. He had lately voted with them on this subject, on the understanding that in the present year nothing was intended to be done with respect to the corn laws; and he would gladly vote with them again if they proposed any fair measure which would set the question finally at rest.—If the present distress were caused by a want of credit, nothing would be more useful than an advance of money to the manufacturers; but if it arose from a want of demand for their produce, then a grant of money would be of no use; but the difference of opinion which existed as to these points was a reason why an inquiry should be entered into as to what were the causes of the distress, and what would be the most efficient remedy.

Mr. Huskisson said, that he was strengthened in his opinion, that the present was neither a fit nor convenient season for going into a consideration of the general question of the corn laws, both by his knowledge of what was taking place out of doors, and still further by what he had heard from hon. members in this debate. It was evident to him that the discussion of this question would have greatly added to the agitation which prevailed in the country.—When his rt. hon. friend (Mr. Canning) had last night opened as much of the details on this subject as could be known, until it went into the committee, he had met with a spontaneous concurrence, as general as could be desired in the opening of an important public question. More than this, there seemed to be a disposition in the house, not to mix up this question with any heterogeneous matter, which he looked upon as a good omen, and as a sign that the proposition would be well received. It seemed, however, that since yesterday new lights had been let in on this question. Whether they arose in that house, or were inoculated from another quarter, he would not say; but hon. members appeared to have caught the notion, that Government intended to proclaim to the country that the present distress arose from the



operation of the corn laws. Such a conclusion, from what had been proposed, was most illogical and unfair. He must repeat, what he had always said, that those laws were not the cause of the distress, and he should be able to satisfy the house that the present measure was not proposed on any such assumption. A few facts would be sufficient on this point, and he would, therefore, call the attention of the house to the state of the country at the corresponding period of last year. At that period, when the most active employment prevailed in the cotton trade—when every exertion was made to extend it—when the whole world was ransacked for materials for building new factories,—when credit was high, and the manufacturers in full work,—during all that period of prosperity, corn was 6s. or 7s. higher per quarter than it was at present. When corn was so much lower now, it followed as naturally as effect could follow cause, that its price had no direct effect on the condition of the manufacturers. When he said that corn was higher last year than at present, he meant that it was nominally so; but considering the difference in the price of labour and other commodities at present, from what it was then, the present price of corn was not much lower in reality. The price of corn, therefore, was not the cause of the distress. But it was said that want of credit was the cause: if so, how could that be remedied, unless by an increased demand? The want of a demand was the effect of a glut, which occasioned the present dearth of employment. Not that employment had actually ceased. Many were still at work, on reduced wages. Now if the proposed measure would so reduce the price of corn, or prevent its rising beyond its present price, as to enable those who were still employed to eke out the time until a more brisk demand arose, it would accomplish no inconsiderable good. A similar measure, in one respect at least, was proposed last year, and received the support of the landed interest and the sanction of the legislature; and it was not for a moment apprehended that it would have an injurious effect on the agricultural classes. In the six weeks before the measure to which he alluded the prices of corn were—in the first week, 69s.; in the second week, 68s. 9d.; in the third week, 69s.; in the fourth week, 68s.; in the fifth week, 67s.; and in the sixth, 66s. 6d. Now, under these circumstances of a falling price, the legislature sanctioned the letting out into the market between 4 and 500,000 quarters of bonded corn, not because the price was then considered too high, but to prevent the chance of its rising so high as to open the ports, and inundate the country with foreign corn. When this was done in 1825, for such motives, was it too much to ask in the present state of distress, to guard against the danger of corn rising to a very high price; especially when they considered that in 1825 corn was falling, whereas in the last six weeks it had risen? In proposing this measure, they were only doing what had been already done, not only without injury, but even with advantage to the landed interest, as he would show before he sat down.—He now came to the second, and as he perceived the more objectionable measure. In the absence of any exact statistical surveys on the subject, he would not hazard a statement as to whether the stock now in the country was sufficient to afford a supply until the harvest. But in the absence of such information, there were facts

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to which he could not shut his eyes. The price of corn had been for some time rising, and by the returns of the several towns from which the averages were made up, it appeared that the supply in the market was now less by several hundred thousand quarters, when compared with the same period of last year. Now let it be recollected what was done last year. Nearly 500,000 quarters of bonded corn were sent into the market between the month of June and the harvest. The harvest itself was earlier by nearly a month than it had been known for many years, and was gathered in under circumstances which made it available for consumption a month earlier than the usual period. Taking these facts, he would without hesitation assert, that they owed it to the supply of foreign corn then thrown into the market, that the ports were not opened on the 15th of last August. He would contend, therefore, that it was not a visionary assertion, that between this time and the approaching harvest, the country might be placed in difficulties of which the consequences might be most serious. Let it be borne in mind, that without the measure now proposed, corn might rise, not merely to 80s., but to 100s., and still the ports could not by law be opened before the first week after the 15th of August, unless parliament were called together in the interim. But suppose parliament were called together. Would that be a proper time to enter into a discussion on the corn laws, when famine stalked through the land? Was it not, therefore, better to provide in time, and not to depend on such contingencies. Let not gentlemen go away with the impression, that by the adoption of this measure, the ports must necessarily be opened. They would remain shut, unless such circumstances occurred as would render their opening necessary. If it should be thought right to add to the limitation of time and circumstances the limitation of price—as, for instance, that the ports should not be opened unless the price were at 65s.—he would say, that for that or for any other prudent limitation which parliament might give them in the exercise of the power which it intrusted to their hands, he for one should be thankful. Let parliament, however, consider, first, whether it would lock up this quantity of corn in the face of rising prices in the present distressed circumstances of the country, after it had liberated a much larger quantity last year under far more favourable appearances; and secondly, whether it would see the session terminate, under all the difficulties with which the manufacturing classes had to contend, and with all the feelings which those difficulties were likely to engender among them, without leaving to ministers, under some limitations, or with some instructions, the power of proving to the people that means of relief were provided for them in case corn, before the ensuing harvest, should amount to an inconvenient price—inconvenient, he meant, with regard to their means of obtaining supply. If parliament refused ministers that power, those who induced it so to act would incur a responsibility, of which they would do well to contemplate the extent. He protested beforehand against the consequences which must ensue, if, for three months or more, Government should be left without the power of relieving a starving population by the introduction of foreign corn.—He had now stated the grounds upon which he was inclined to support the motion of his right hon. friend.

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He did not mean to say that these measures would afford immediate relief, for he knew that the existing difficulties were not connected with such causes. He knew that there had been a glut of our manufactures in all the foreign markets, and also that if any thing greatly depressed the price of corn in the home market, it would only lead to a further aggravation of the distress. But if parliament allowed this corn to be taken out of bond, the parties to whom it belonged would send abroad to purchase more, and would so create a demand for our commodities; that demand would create credit, and the beginning of credit would be the termination of distress. It was in the cotton manufacture that a market was most particularly wanted. Now he believed he might say that two-thirds of our cotton manufactured goods were made for the foreign market. If, therefore, an increase of the foreign demand could be created by the purchase of corn, relief would be administered to the cotton manufacturer. He should not have troubled the house with any further observations, had he not felt himself bound to notice a circumstance which had been commented on with a severity, of which he did not complain, by the hon. member (Mr. Calcraft). On the presentation of some petition, an hon. member (Mr. Leicester), without any previous intimation of his design, had asked him if he intended to put any more of the bonded corn into circulation. He (Mr. Huskisson) did not tell the hon. member that he had any such intention either one way or the other. His answer, *en passant*, was, that it had been decided by Government, that the general question of the corn laws should not be decided that session. He did not mean to say that his answer was prudent (loud cries of hear, from the opposition); but what would the hon. gent. have thought of his prudence, if on a question so full of delicacy, and leading to so many important considerations, he had answered either that it was, or that it was not under consideration, but that the result of it could not be disclosed (hear, hear)? He could have given no other answer without leading the country to suppose that some immediate measure was in the contemplation of the Government.—He concluded by observing that recourse to the poor laws,—whose utility in crises like the present in a great measure reconciled him to that system, and atoned for many of the abuses to which it was liable—and the measures which had been proposed that evening were, in his opinion, the only measures by which they could hope to see the distress relieved, and the people obtaining their subsistence once more by their own industry, without the compulsory aid of the law or the benevolence of individuals.

Mr. John Williams addressed the house amidst cries of "question," which rendered his speech scarcely audible.—He said, that the house appeared to him to be placed in a situation of some embarrassment. If the amendment were carried, it would appear as if it were indifferent to the general distress; and if it came to the conclusion to which ministers wished to lead it, it would agree to a measure which could not hold out either immediate consolation or immediate relief to the manufacturers. He had heard nothing in the speech of the right hon. gent. (Mr. Huskisson) but a dry discussion on the corn laws, which came with a very ill grace from him, considering the manner in which he had deprecated such a discussion not more than

fourteen days since. If it were true that it was unfit to hazard a discussion on the corn laws at the time when the hon. member (Mr. Whitmore) brought forward his motion, it was still more unfit to allow ministers on their own discretion to assume the command of the corn laws during the recess of parliament. They had failed in their duty of proposing any measure for the immediate relief of the country, and yet they asked to be trusted with a power which would leave the property of every country gentleman at their mercy. He could not consent to grant them such a power; and he should therefore support the amendment.

Mr. E. Wodehouse said a few words, inculcating of Mr. Jacob's report.

The house then divided.

For the amendment, 82—Against it, 214—Majority against the amendment, 132.

The house then went into a committee,

When the resolutions were proposed as follows:—

1st. "That all foreign corn, meal and flour, which was secured in warehouse in the United Kingdom on the 2d May, 1826, shall be admitted to entry for home consumption on payment of the following duties (that is to say):

|                                                | s. | d. |
|------------------------------------------------|----|----|
| For every quarter of wheat                     | 12 | 0  |
| For every quarter of rye, pearl,<br>and beans  | 8  | 0  |
| For every quarter of barley,<br>bear, and bigg | 6  | 0  |
| For every quarter of oats                      | 4  | 0  |
| For every cwt. of wheat, meal,<br>and flour    | 3  | 3" |

2d. "That it is expedient to empower his Majesty, by any order of his Majesty in council, to permit under certain regulations and for a time to be limited, the entry for home consumption of an additional quantity of foreign corn, meal, or flour; subject to the duties which may be imposed by any act to be passed in this session of parliament."

Sir J. Sebright declared that he would oppose the second resolution, because he considered that it involved the whole question of the corn laws.

Sir T. Lethbridge wished the right hon. gent. would add 5s. to the 12s. which he proposed to affix as a duty on the corn bond (no, no). He would not press this point, as he saw it was against the sense of the house: and he was disposed to support the first resolution, because he thought that it would palliate the existing distress.—He hoped, however, that the house would reject the second resolution. He could consider that resolution in no other point of view than as an attempt to get rid of the corn laws. If the resolution should be agreed to, he was convinced that the ports would in future be open to the introduction of corn at a duty of 12s. If it should be carried, good bye to any future protection to the landed interest (hear, hear).

Mr. Canning:—The duty of 5s. was imposed in addition to the permanent duty of 12s., expressly for the purpose of preventing an unlimited influx of foreign corn. On the present occasion, however, no dread could be entertained of an excessive influx of corn, because the whole amount of that which was in bond was well known. With respect to the second resolution, he could assure the committee that he had no objection, but, on the contrary, he should be very glad, to have the power conferred by it



limited in an any which parliament might deem proper; and if 65s. should be considered a fair price, he had no objection to consent that the power to be vested in ministers should not come into operation till corn reached that price.

*Mr. Bennett*:—If the committee should give ministers the power which they asked for, he would have it conferred upon them unconditionally; for if the price of 65s. and the duty of 12s. should be given to them for their guidance, he felt persuaded that those sums would always be followed as precedents.

The first resolution was then put, and agreed to unanimously; and several members desiring that the second resolution should not be passed without further discussion,

*Mr. Canning* consented to adjourn the committee.

THURSDAY, MAY 4.—*Lord Folkestone* presented a petition signed by several thousands of the inhabitants of Paisley, praying that Parliament would extend to Scotland a sterling gold and silver currency. The petition was entitled to the serious consideration of the house,—not merely from what it said, but also from what it did not say. The petitioners, though they described themselves as suffering great distress, did not even allude to the corn laws. They did not utter a word which would tend to keep up the delusion that those laws formed one of the causes of the distress now felt in the manufacturing districts,—a delusion which he thought ministers were extremely culpable in endeavouring to foment by such measures as they had lately proposed to the house.

*General Gascoyne* said, that no inference favourable to the corn laws could be fairly drawn from the silence of the petitioners. The petitioners did not allude to them, because, like the petitioners from several other parts of the country, they found it would be useless, as no attention would be paid to their prayer. He hoped that ministers would persevere in the measures they had proposed (hear, hear).

The petition was then ordered to be printed.

*Sir T. Lethbridge* then presented a petition from *Mr. William Phillips*, a corn-dealer, of London, stating, that the petitioner was the holder of 4000 quarters of wheat, which had been imported previously to the 15th of May, 1822, and on which a duty had been paid to Government of 10s. per quarter; that he had kept the wheat under the hope that it would arrive at a higher price, but that, owing to the measure now before the house, he was likely to sustain a very serious injury; and praying, either that no alteration should be made in the corn laws during the present session, or that a proper compensation should be allowed to the petitioner for the loss which such alteration would occasion him. The hon. bart. said, that the petition seemed to him of great importance, inasmuch as it showed the situation in which corn-dealers, as well as corn-growers, would be placed by the contemplated measure. Ministers had already carried their proposition so far as to let loose between 3 and 400,000 quarters of bonded corn at a very low duty, which had caused such a stagnation in the trade, as to do away with any chance of corn attaining a high price; indeed, ministers could not seriously entertain any apprehensions of this: if they did, it was but right that they should candidly state to the house the grounds on which they entertained them. The passing of

this measure would, in effect, place the price of every man's quarter of corn at the will of ministers. He hoped that ministers would be satisfied with having carried the first part of their proposition, and would put off the second altogether.

*Mr. Brougham* rose to explain the grounds on which he had voted the night before last. It had been said, that those who on that evening had voted against the amendment, proposed by the hon. bart. (*Sir J. Lethbridge*) were unwilling to inquire into the cause of the distress, for the purpose of applying the proper remedy. He must totally disclaim any such unwillingness; but it must be recollected that the hon. bart.'s proposition had, at least in his opinion, been made for the purpose of getting rid altogether of a measure, which he admitted was only a provisional one, but which, if it could not alleviate the distress, would at any rate prevent its augmentation. Under such circumstances, he conceived himself bound, in common consistency, to oppose the amendment. For his own part, he thought the corn-trade ought to be open with a fixed duty, and that the averages should be got rid of altogether.

*Sir J. Sebright* said, that his own view of the corn laws did not differ much from that of the rt. hon. gent.'s. He did not at all approve of them—he wished to see the ports open at a fixed duty. But he was placed in an awkward situation, for he had been in the constant habit of crying up the ministers, and praising them for what he thought he had particularly discovered in their conduct—namely, decision. Now, at every turn he took, he was taunted with the question, "Well, what do you think of your rt. hon. friends now (a laugh)? Pretty decision, indeed (much laughing). One time they cry out, they would not for the world make an alteration in the corn laws, and the moment the people began to attack the power-looms, oh! then the corn laws must forthwith be regulated" (cheers). Ministers, in his opinion, did not know what they wanted.—He cautioned those who thought the corn laws should be preserved, to look well to what was now proposed; for they might be assured, that if ministers succeeded in prevailing upon the house to adopt the second resolution, there would be an end at once, and for ever, of all the protection which had been thought necessary to the grower of corn. Those, if there were any such, who thought twelve shillings a sufficient protecting duty, might with safety give their consent to it. But it was the bounden duty of all who did not think so to oppose it (loud cries of hear, hear).

*Lord Althorpe* said, that he had, at one time, in common with the rt. hon. gent's., considered the present an unfit time for the discussion of the corn laws. But, after what had been already said and done, and when the house was actually, after all their declarations, in a committee on the corn laws (hear, hear), he could not abide by that opinion, but would, notwithstanding the late period of the session, earnestly recommend them to settle the question at once, and to abandon all temporising and partial propositions (loud cheers).

*Mr. Whitmore* thought it important to observe, that whoever might suffer from a change in the corn laws, the petitioner, at all events, had no reason to complain (hear, hear). When the permission of taking out bonded corn, upon the payment of ten shillings, was given last



year, it was with the plain understanding that the question of the corn laws was to be decided during the present session; and, therefore, if he should suffer from any change in the laws, he could not say now he had not received sufficient notice.

Upon the petition being laid on the table,

Mr. *Baring* said, that if ministers met the real proposition as it ought to be met, they must go into a consideration of the whole question of the corn laws. If they did not, they would leave the country in a state beyond all measure alarming. No farmer, no landlord, would know how to regulate their concerns, and the whole frame of society, both agricultural and manufacturing, would be disorganized by uncertainty. There was no doubt, as had been well observed by the hon. bart. (Sir J. Sebright), that if they consented to the duty of twelve shillings as a temporary expedient, it would be taken afterwards as a precedent for a permanent settlement. How, he would ask, then, could it be considered expedient to adopt either of these resolutions, without a full inquiry into the whole system?

Mr. *Leycester* said, that the imposition of the twelve shilling duty would prove a waste of the resources of the country, for the foreign corn venders would immediately raise the price of their grain from twenty shillings to thirty, and the whole difference would be thus put into the pockets of foreigners, to the loss of the English farmer.

The petition was then ordered to be printed.

FRIDAY, MAY 5.—Lord *Stanley* presented a petition from the clergy, gentry, and inhabitants of Bury, in Lancashire, praying that for the relief of the distressed manufacturers, the corn now in bond, and about to be admitted into the market, might be admitted duty-free. The noble lord observed, that he could not concur in the prayer of the petition. The only effect of allowing the bonded corn to come into the market duty-free, would be to put the duty into the pockets of the importers. The only way in which it could be done so as to give effectual relief, would be to take the duty, and afterwards transmit part or all of it, as it might be considered necessary, to the committees sitting for the relief of the distressed districts.

The petition was ordered to be printed.

Mr. *Heathcote* presented a petition from certain persons engaged in the corn trade at Boston, against the corn bill now before the house. The petitioners stated, that in their opinion this measure would have no other effect than that of putting money into the pockets of foreign dealers; that they themselves were considerable holders of corn, in the purchase of which they had been induced to embark a large portion of their capital by the repeated declarations of ministers that they would not, during the present session, agitate the question of the corn laws; that the measure now before the house, if it should pass into a law, would have the effect of confiscating one-half of their property; that they did not conceive that the present distress was owing to the price of corn, but to the want of confidence, which prevailed throughout the country. The hon. member said, that the indecision of ministers on this subject had caused great inconvenience, and would, he feared, be productive of serious evils to the community.

Upon its being moved by Mr. *Canning* that the Speaker do leave the chair,

Sir *T. Lethbridge* said, that he should not oppose the Speaker's leaving the chair; but should bring forward the objections which he entertained against this measure in the committee.

Mr. *Calcraft* trusted that ministers would meet with a stubborn opposition to the proposition which they now sought to carry. No qualification, or modification which could be proposed should ever induce him to accede to it; it was in reality an indirect way of deciding the question respecting the corn laws. If ministers would go into the full consideration of this subject, he would agree to that mode of proceeding.

The house then went into a committee.

Mr. *Canning*:—"Before I proceed to an explanation of the resolution which I am about to propose, I will clear away some general objections to which the whole of the measures have been subjected—objections which, although they might not, if left unanswered, prejudice the principle of these measures, might, nevertheless, excite some prejudice against them by throwing blame on those whose duty it was to propose them. I am further anxious to say a few words on that subject, because it is my earnest desire to free my rt. hon. colleagues and myself from any thing like any breach of faith, such as has been more than once attempted to cast upon us in the course of these proceedings. Most undoubtedly, I did, on the first day of the present session, make a declaration, which I have often renewed since, that I was of opinion that the present was not a convenient season to enter into a consideration of the corn trade, with a view of making any alteration in the laws which affected it. Upon that opinion I have acted throughout the session; and I now declare without hesitation that it still remains unchanged (hear, hear). And still more, that if any one will consider these resolutions without prejudice, he will find that they are characterised by a strict conformity with such an opinion, and solely intended to enable ministers and this house, without inconvenience, to postpone any consideration of those laws until another session (hear, hear). I am ready to admit, that if any thing had been done by us to prejudice the question of the corn laws, after the declarations we have made to the house, it would be, and would deserve to be, considered a breach of faith upon our part. I confess, after the professions and opinions to which we have given utterance, that it would be our duty to remove any impressions which have arisen from such an accident, and to conciliate, to the utmost of our power, the prejudices which may have been excited by it; but I not only believe most sincerely that this measure is calculated to do away with any inconvenience which might attend at this season a general discussion upon the corn trade, but I am also of opinion, that so far from its being a breach of faith, it is a preservation of faith; and while it is calculated for the benefit of all classes, that it is, above all others, adapted to the preservation of the interests of that class whose rights are said to be most peculiarly affected. If, on the one hand, I am ready to acknowledge that any attempt upon our part to prejudice the general question would be unfair as regards the agriculturists, and as



unwise measure of policy, I hope I do not ask too much, if I wish to get credit to Government for a conscientious desire to do their duty to all classes, and to guide their councils so as to preserve the interests of every portion of the community, whether commercial, manufacturing, or agricultural (hear, hear). In addition to the imputation of a breach of faith, there has been another charge brought against us, less serious I confess, but which I am still anxious to refute—I mean a something which has been presumed, of some sudden change in the councils of ministers with respect to the corn laws, since that question was brought under consideration by the hon. member (Mr. Whitmore). It is stated, that my rt. hon. friend (Mr. Huskisson) gave, in his place in this house, such an answer in reply to a question from an hon. member (Mr. Leycester), as led to the belief that the bonded corn would not be meddled with this year. I do not presume to say that this account of that answer may not be correct, not having been in my place at the time when it was given; but I say broadly, that if that answer was such as left the matter in doubt—if it was worded in general terms, and so as to avoid the possibility of my rt. hon. friend's being committed to any specific course—then it was unfair to draw from it any such inference as has been used against us on the present occasion. I would contend, even, that the rt. hon. gent. did what was perfectly right and consistent with the practice of this house in the manner in which he worded that reply. Nothing is more common than for a responsible minister of the Crown to evade a question by such expedients; and I am quite certain that the hon. member (Mr. Leycester) cannot be so innocent as not to see what consequences might result from such unguarded declarations. Would he consider it to be consistent with the duty of a minister, at the head of the trade of this country, to give answers upon the subject of his intentions with regard to a particular commodity, which would have the effect of raising that article perhaps 50 per cent. by the very next post? He would, I conceive, feel it to be perfectly justifiable for a minister, in such a situation, either not to answer at all, or to give such a reply as would avert consequences so injurious to those engaged in the particular trade to which his question might refer. Questions are put every day in this house, the bearings of which are perhaps very little, if at all, understood either by those who put them, or by those who are called upon to answer them. I myself have been required to give replies, on various occasions, to questions of which, perhaps, I saw the full consequences better afterwards than at the moment when I was called upon to speak; but I have no hesitation in saying, that had I not evaded them, or refused a direct reply, I might have affected the pecuniary interests of individuals in a degree which might hardly be credited. By the effect of inadvertently saying "Aye," upon one of these occasions, I might have created a rise in a certain species of property to the extent of full twenty per cent.; and, perhaps, by a simple "No," I might have depreciated it to a similar extent (hear, hear). I say, therefore, that questions upon such subjects cannot be fairly asked—and that when asked, it would be difficult to give any other answer than an evasive one, if a minister would fulfil properly the duties incumbent upon his situation. If I

regret any thing upon this occasion, it is that my rt. hon. friend did not remain altogether silent; but of this I am perfectly sure, that there was nothing in that answer which he intended to leave open to the inference which has been drawn from it. I hope I have now cleared the question from some of those impediments, with regard to its proposers, which stood in the way of a free and impartial discussion of its merits, and that the proposition will now, at least, be allowed to stand upon its own grounds, unconnected with the private views or pledges of those who are called upon to submit it to the consideration of the house.—I do not mean to say, that if I only thought the principles upon which I call for an assent to this measure were right, that I would not be prepared to uphold it upon that right; but I have the satisfaction to say, that we have now something more than mere theoretical right to support us, and that we have, even in the very short period which has elapsed since this question was agitated, gained the accession of some experience in defence of our principles. I hope it will not be considered an unfair inference, that if I shew what we have already done, and the expectation of what we are about to do, to be producing great good, I may be allowed to anticipate still greater from the consummation of our intentions. The account of what we proposed upon the subject of the corn trade reached Liverpool on Wednesday morning; and on this day there are letters in town, one of which was put into my hand just before I came down to the house. It is not from any friend of mine, nor an acquaintance, nor a political supporter either of mine or of my rt. hon. friend, who succeeded me in the honour of representing that city in this house; but, on the contrary, from a gentleman decidedly opposed to me in the principles of party. I know him, however, to be a man of high honour, unquestioned integrity, and possessing great estimation as a mercantile character in the city where he resides. In this letter, dated from Liverpool, an extract of which I shall take the liberty of reading, he says, there has been a slight improvement to-day in Manchester goods, but the moment it became known that it was the intention of ministers to introduce a measure for relief, by removing the restrictions which kept the bonded corn out of the market, cotton could not be obtained at an advance of 5 per cent.; and there seemed to be a very general restoration of confidence, arising from the feeling that Government would do all in their power to relieve the sufferers (hear, hear). This is the language of one letter. Since I entered the house, however, I have received another, which is also not addressed to me, or to any friend of mine, and (although I am not quite certain) I believe the writer to be opposed to me in politics. I know, however, that he is a person of respectability. His letter, dated the 3d of May, runs thus:—"The account of what has been proposed by ministers has made us all alive, and led to a very general improvement in trade. Holders of cotton are all speculating upon a rise, and there are no sellers to-day" (hear, hear). Surely it cannot be said, after this, that the measure recommended is not founded upon good principles; and even if the practical effect may be in some measure over-rated, it must be a matter of congratulation to its proposers, and an encouragement to their perse-



verance, when they see that the expectation of its effects is likely to produce a return of that confidence, without which the manufacturers cannot hope to be rescued from their present difficulties. I am quite prepared to admit that, because there is so much good anticipated from the first proposition—that of the admission of bonded corn—we are not therefore to infer that this is an argument for the second proposition. The good of the first proposition is plain and immediate; that to be anticipated from the second is distant, and depends on contingencies; but, although the second may rest upon a somewhat different foundation, they tend to the same ends. If I were prepared to affirm either of two propositions—either to say, that the present system of corn laws ought to remain unaltered as the permanent system of the country; or that the present period is the period in which to alter it; a period which every body admits to be one of general distress, of great excitement, and of the highest anxiety;—if I were prepared to affirm either of these propositions, the case would be very different from what it is. But the very circumstances which render a temporary measure necessary,—the distress, the excitement, and the anxiety,—are the circumstances which disqualify parliament for making any permanent settlement of the corn laws at present with any hope of a satisfactory result. Thinking, then, as I do, that the corn laws must undergo a revision in another parliament—thinking as I do,—and so far as the debate has yet gone I have heard no one maintain a contrary opinion,—that it would be a dreadful misfortune to the country, if the existing corn laws were to be carried into their full operation, what remained for me to do, but to advise a temporary measure, which would avoid for a time a permanent settlement of the question, and would guard the country against the mischief which every body agrees would ensue from a strict enforcement of the existing laws? As yet these laws are almost a dead letter; as yet the contingency has not arisen which is necessary to bring them into operation; but any man of feeling, who looks at their origin and provisions, and compares them with the circumstances of the present times, would recede with horror from the idea of pushing them to the extent to which they could be pushed by a rigorous interpretation of them. An hon. bart. (Sir T. Lethbridge) has asked what circumstances have induced us to meddle with the corn laws this session, and more especially what circumstances have grown up since the motion of the hon. member (Mr. Whitmore), to lead us to our present determination? Why the circumstances have grown up I cannot pretend to say; that they have grown up, I have no occasion to tell the committee, for every member knows them. Every one knows that, for three weeks before the hon. member made his motion, there had been a gradual inclination to a rise in price; for three weeks since there has been the same; so that for six weeks—with the exception, I believe, of the last few days, when we can mark a slight decline—a constant tendency to rise has been visible in the corn market; and that rise has been accompanied by a state of terror and alarm, which, although I do not mean to make any prophecies of famine, indicates an approach to a state which no man can contemplate with satisfaction. When we consider that the consumption of the last year began even before the getting in of the harvest,

and that the harvest of this year may be a month later than the last, I say, that there is ground for an apprehension which would not exist in ordinary times. Let us take with that the circumstances which have occurred in the manufacturing districts, and there, I say, we may find that there are matters of more than ordinary importance, which did not exist when the subject was discussed before, and which, although they may not change our opinion as to the expediency of altering the corn laws at the present moment, point out to us the propriety of making such an amendment, as may guard against possible consequences. How far those consequences may operate I do not pretend to predict—a fortnight of mild weather and a west wind may avert all probable danger; while half the time may be the parent of famine. In a former year (1816) a change of one night destroyed our expectations, and the promise of the Monday was totally blighted by the succeeding Wednesday. Are we then, with such experience of the past, and with such a prospect before us, to be deterred by the paltry charge of vacillation or varying councils, to sit down, seeing all this, and to do nothing? Would it not shew a base dereliction of principles, if, with the knowledge of these facts, we were—because there had been, for the last few days, some circumstances of a more mitigated character; but which the slightest rumour of a bad harvest would put to flight—to avoid taking those measures of prevention which a wise foresight renders justifiable. It is as much the duty of Government, I contend, under such an apprehension, to provide for probable consequences, in the manner I propose, as it is the duty of this house to give their assent to them; and the more readily, as we are not called upon to provide a remedy for an evil which exists, but to guard against a danger which it is in our power to avert (hear, hear). I would call upon the house to consider what Government has done on somewhat similar occasions; and I mean, for that purpose, to take a very remarkable occurrence of the last century—not more to be held up as an example to this house, than to be contemplated, with attention, as a warning. In the beginning of 1766, Lord Chatham, the most distinguished man of his day, was the leading member of the Government in this house; while Lord Camden, the most popular lawyer who ever sat upon the bench, appeared at the head of the peers. Never had this country seen so popular—never so commanding an administration; scarcely any who could lay claim with such apparent hope of escaping censure in exercising that power which has been, I think, a little too loosely stated by some hon. members, when they advised us to take measures for infringing the law, under the pretence of the *salus populi*, as inherent in the Crown. Those great men, however, relying on their high favour with the nation, did take this course; and, by an order in council, took upon themselves the responsibility of giving their resolution the effect of law. The course which they pursued was very different from that which we are called upon to adopt. The harvest had proved a bad one; there was an apprehension of a famine, and they had, in the performance of their duty—for this occurred during the recess—to do the very reverse of that for which we require the power of parliament—they had to shut those ports which it would be necessary for us to open. By the



law, as it then stood, grain could be exported to foreign countries until it reached a certain price, and the measure which these ministers adopted was to lay an embargo on all grain in the kingdom at the time when the first apprehensions were entertained of the possibility of a scarcity. This was, under the circumstances, a wise and prudent precaution; but what were the consequences? When parliament met, the exercise of such a power by this popular ministry, produced the most violent debates; and while every man who took any part in them, admitted the absolute necessity of what had been done, the greater portion regarded it as a violation of the principles of the Constitution, as an extension of the prerogative of the Crown, without a proper regard to the privileges of the people, and without a sufficient sense of what was due to its representatives in parliament; and these attacks, sir, were actually successful in both houses (hear, hear). Here, then, is a warning to us; and though the circumstances are not quite the same, are we, after this, to be blamed, because we do not think our course sufficiently secure without subjecting it to the approbation of parliament? There are gentlemen who say we have not done right to come before parliament, and that we ought to wait the possibility of any contingency which may happen, and then act upon our discretion. They say to us "Go on—let the circumstances arise—then use the power of the Crown in the emergency, and come down to us for a Bill of Indemnity" (hear, hear). If then, I ask, those circumstances had happened, and we, relying on the precedent before us, had exercised this power—would this Bill of Indemnity, I ask, have been readily granted (hear, hear)? Who that has witnessed the spirit in which we have been catechized here for the mere attempt to ask for that power—can say so (cheers)? What earnest have we here, I ask, of the spirit and the tone in which we should be treated, if, instead of asking for permission to exercise that power, upon a contingency which may never arise, we were now beseeching this house to grant us indemnity for having exercised it upon a contingency which had arisen, and without that permission which we now call upon it to confer (loud cheers)? Would it not be the first question asked of us, "Had you no apprehensions of this from the six weeks rising of prices previous to the separation, or perhaps the dissolution of this house (hear, hear)? Were you quite ignorant that there was a small stock on hand? Was there no disaster which made it somewhat perilous to hazard the chance of a good harvest? Was there no danger to be apprehended from famine acting upon an excited and disaffected population?" (loud cheers?) I ask, sir, if there would have been no language of this kind, and if we should not have to encounter still greater opposition than that which bore down men so much greater than we can ever hope to be considered, and if their fate should not at once operate as a warning to deter us from a confidence which might prove fatal, and as a light to guide us to that course which is justified by experience (hear, hear)? Should we not, I ask, be worse than madmen, if, notwithstanding what we see, and what we know from the records of history, we were to plunge blindly into a difficulty from which it would be vain to call upon our advisers to extricate us (cheers)? No other course, therefore, remained to us, but to come at once for

the sanction of parliament. Our mere love of what we consider legal and constitutional, constitutes all the difference between us and our opponents. We may come at last, I know, to that crisis which we dread; we may be compelled, if parliament refuses its consent to the measure we propose, and throws us back on the power of the Crown; we may be forced to make use of the very means which we deprecate; but if we do, the responsibility rests not on us, but on the heads of those who not only desert their constitutional principles by refusing to enact the law, but even seem to think they have a sound argument in their desertion (hear, hear). It is not my desire to agitate the country by any unnecessary apprehension; the time for the exercise of such a power may have never been more distant; but it is the desire of ministers, founded on a sound precaution, to receive such a license as they may exercise for the benefit of the community, should the necessity arise in those six weeks, when, perhaps, from a dissolution of this house, they might be unable to apply to it as the repository of that power, and when the danger might be too imminent to endure delay; and never let it be said, that it was a crime in a British minister, that he prefers the sanction of parliament to an arbitrary exercise of the prerogatives of the Crown (cheers). I say, therefore, that those who now refuse us their sanction, must take on themselves the consequences of whatever license we may be compelled to usurp. It may be said, we have the corn laws; but is there any one gentleman who can say, that those laws should, in the present state of the country, be carried into full operation? I say, therefore, that this law is for the protection of the interests of the agriculturists as well as of the other classes of the community, because the corn laws must remain for the present a mere dead letter; and I maintain, that, if we do good now, by interposing this measure against the probability of any scarcity, we do equal good by interposing it between the agriculturists and the extreme operation of the corn laws. These are the persons for whose sake we propose to ask the house for its sanction in granting us the exercise of that responsible discretion which we require; and that responsibility with which we seek to be invested, is no more than must be admitted to exist in the power of the Crown to confer on its ministers in case any emergency may render necessary its assumption and exercise. As to the extensive discretion which this measure proposes to give, I can safely assure the house that there is no mode of limiting that discretion on one hand; and on the other of maintaining a faithful adherence to the assurance which has been given, of not discussing this session, and not interfering with the principle of the corn laws, which we would not gladly adopt and which we do not anxiously solicit. As to the responsibility which the act would confer, there are three modes by which its exercise may be regulated: the first by the imposition of a duty; the second by a restriction of price—that is, the price at which importation should be permitted; the third by a limitation of quantity (hear, hear). When first I brought forward this measure, I was inclined in favour of the imposition of a precise duty of 12s. But it has been objected to that course, that it would have the effect of fixing 12s. as a duty in future when it was intended only to apply to the present case. It was also urged that we had taken too



low a *maximum*. I admit that there is a great deal in both these objections; and feeling their force, I consent to sink the limitation of duty (hear, hear). As to the limitation of price—by which it was meant that the importation should not take place until corn had reached a certain price—it was suggested 65s.—it was liable to the same objection, that it might be assumed hereafter as the importation price. Besides, the fixing any absolute price was liable to this further objection, that what was a fair price at one period might not be so at another; 65s. or any other sum, might be a proper price when the country was in a flourishing state, though when the country was in a depressed condition it might by no means be entitled to be so considered. In relation to the state of the country, 65s. or any absolute sum, might be sometimes high and sometimes low. For this reason, and for the purpose of maintaining thorough good faith with those who might think the fixing a price would be the infringement of the conditions of any previous pledge, or understanding, I consent to place no restriction upon it. There remains but one other mode—that relating to quantity; and on the quantity of imported grain, and on nothing but the quantity, do I propose to place a limitation (hear, hear). A discretionary power, so limited, will leave the future debates on the corn laws, as free as if no discussion had now taken place, and as if no temporary measure had been resorted to, to relieve a temporary distress. This will be a measure which will not affect the general question—which will, let me hope, answer its own purpose, without leaving a sting behind it (cheers).—In proposing any limitation of quantity, there must be always something arbitrary in affixing such limitation. I propose to admit something more than half the amount of the largest quantity that has ever been imported in one season—that is, 500,000 quarters, exclusive of what is now in bond. The principle upon which I propose this is, that as the warehouses are cleared, they may be again replenished; and that, ultimately, the same quantity may be admitted in bond as is now in the country. The act, then (independent of the bonded corn which has been disposed of by the first resolution), will render it lawful for his Majesty, at any time from the close of the present, and until the commencement of the next session of parliament, by the advice of his Majesty's Privy Council, to issue any order for the permission of importing wheat, meal, or flour, into the different parts of this kingdom, provided the whole quantity so to be admitted do not exceed 500,000 quarters; and further, that any order so issued shall not continue in force more than two months from the time of its date; and that none of the benefits provided in the act shall accrue to the party to whom the order was granted, unless it were executed according to the specified terms, and on the performance of such conditions as were directed by it. This is the outline of the provisions of the act. The quantity, which is the material point of consideration, is limited to that amount which is deemed capable of meeting any possible wants that may arise in the intervening period between the close of the present, and commencement of the next session of parliament. It is not in our power to anticipate what exigency may arise to require the exercise of the provisions of this bill. In shaping its provisions to encounter such an exigency,

we are, I think, free from the imputation of bad faith to the landed interest. It was our duty, as ministers, to provide for every possible—for every probable (and in whatever degree probable) contingency that might occur; and it would not have been consistent with our character and our duty as British ministers if we had preferred to assume the power we now solicit nakedly of ourselves, and on our own authority; or if we did not, having a foresight of the contingency, apply to parliament to arm us with means to meet and to prevent it (loud cheers). The rt. hon. gent. concludes by moving the second resolution\*.

Sir T. Lethbridge said, that the rt. hon. gent. had shown no reasonable ground for apprehending any danger of famine during the recess, before the next meeting of parliament. Surely 65s. was not a famine price; at any rate, if ministers thought so, their opinions differed widely from those entertained by Government in 1822. If the average price during the recess should amount to 65s., he supposed they would consider themselves at liberty to open the ports to foreign corn, to the tune of 500,000 quarters. Upon the back of that was to be placed the quantity now in bond, which he believed had been under-rated at 400,000 quarters. Thus there would come upon the market little short of a million of quarters at a duty of 12s. the quarter. He put it to the Government, whether, if such a quantity of corn was imported at this duty, they could ever after look for a higher duty? He pressed this on the particular attention of the house, for he believed if they lost sight of it now, they would have to repent it ever after (hear, hear).

Mr. Portman did not believe that the high price of corn was in any degree the cause of the distress, which he attributed to the want of employment for the manufacturer, and the depression of general credit. With respect, however, to these resolutions, speaking in the name of persons who were largely connected with the agricultural interests, and for himself, as an agriculturist, he must say that he was not disposed to take upon his shoulders, either for them or for himself, the responsibility which they must incur by such an opposition to this measure as the principle of it deserved. That responsibility belonged to the Government, and to the Government alone: upon them he threw it back, and if the measures which they were now bent upon pursuing should, as he believed they were calculated to do, inflict a serious injury upon the whole of the agricultural interests, on them let the consequences rest (cheers).

Mr. H. Sumner could not understand what circumstances connected with agriculture made it necessary to go into a discussion of the corn laws now, which had not existed eighteen days ago, when ministers had declared their intention not to go into any such discussion. The fact was, that the distresses of the disturbed districts, which they had not thought it necessary to provide for a fortnight back, had now gone so far that they were obliged to do something. But he did not think that the course which they were taking was the right one; and if the hon. member (Mr. Portman) would not take upon himself the responsibility of opposing their measures, he (Mr. Sumner) would. He admitted, that letting in the bonded

\* *Ante*, p. 354.



corn last year had produced no ill effect; but the present price of corn was not more than a remunerating one; under 60s. corn could never be grown permanently in this country.

Mr. Peel:—So far from seeing any inconsistency in the course which Government had pursued, with all the experience of that which had occurred since the hon. member's (Mr. Whitmore's) motion, if that motion were capable of being renewed, it would meet with his assent again. Hon. members asked what was that ministers had learned since the 18th of last month? They did not suspect a failing harvest; they did not foresee famine, and starvation, and death; but they thought it possible that such events might arise as would lead to a considerable rise in prices, and to great consequent distress; and they desired to be armed with powers to meet that distress, to be exercised only in case of necessity. The two branches of the measure proposed, rested upon the same foundation: the first went to meet an existing evil, and the second one which it was thought might possibly occur.—Hon. members had argued, that it was of no use to lower the price of corn, for the distressed manufacturers had no means of purchasing it at any price. Did they imagine that there was no class in the country between one who abounded in wealth, and those who were in the opposite extreme? But, with reference even to those who were deprived of the means of purchasing corn at any price, were they not supported by the contributions of the affluent?—and if the affluent were to support the distressed, was it of no consequence either party, that the price of corn should be reduced?—Ministers were accused of an intention to invade the corn laws. Now, the 9,000 quarters of corn mentioned in the resolution were not all to come in of necessity; it was a quantity was the *maximum*, and was to be sought in as occasion might require. For any justice to the general question, he denied that it could result, even in idea, from such a measure: the very duty which was to be paid upon the importation was affixed arbitrarily, in such a way as to make it impossible that it should be construed into a principle,—still less could he attach any weight to the argument that the present measures were dangerous, inasmuch as they might seem to be extorted by clamour and the violence of the people. No man could be more disposed than he was to meet resistance, at all hazards, to clamour; there were two kinds of courage—the courage to refuse that which was wrong, and the courage to do, in spite of misrepresentation, that which was right. For the clamours of the mob, he had no apprehensions from them; there was a moral energy in this country, that would always suppress the violence and defeat the designs of a mob. Where knowledge was extensively diffused throughout the population of a country, a mob could never acquire any permanent ascendancy. Let not, then, the use of Commons forbear to do that which was left from any pusillanimous apprehension that its motives should be misconstrued; and let the people have justice. It might be necessary to restrain the riotous; and even to punish the riotous; but the privations in the main, to which the manufacturing classes had been subjected, had been borne with infinite firmness and endurance. The disturbances at Manchester and the neighbourhood had been greatly

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over-rated. He had seen accounts in public papers, stating that for months past riots had been foreseen, and that applications had been made to Government for military assistance, which were said to have been treated with neglect. These imputations were unfounded. Some time since, he had doubled in those districts the military force that was stationed there a year before; and no application had ever been made for military force which had not been instantly acceded to. But, as he had said, the extent of the disturbances had been exaggerated. It was in the power of a very few men to do a great deal of mischief in destroying power-looms. A hundred men broke into a factory two or three miles from any town where soldiers were quartered, and with a few hammers, in half an hour all the power-looms (which were made of cast-iron) were demolished. But where had these disturbances taken place? In a small part only of the manufacturing country. At Leeds, at Huddersfield, throughout all the clothing towns of Yorkshire, (with the exception only of Bradford), there had been no tumults; and yet there the people were suffering great privation and distress.—The hon. member (Mr. Sumner) complained that ministers had shown no facts. They had not; they stood less upon facts than upon contingencies. But if facts were desirable, he (Mr. Peel) could show the hon. gent. that with reference to the price of other articles, corn even now bore a price which was contrary to all proportion. Let the house look at some of the prices of the past and of the present year, and compare the alteration which had taken place in many material articles, with the equal rate which had been kept by agricultural produce. In 1825, the price of cotton had been from 9d. to 1s. a pound; now it was from 4d. to 5d.—something less than half; Pernambuco, 19d. to 20d.; now down to 10d. and 1s.; Jamaica coffee, sold last year from 84s. to 86s., was now 48s. to 52s.; Jamaica brown sugars were down from 70s. to 50s.; Havannah, from 50s. to 35s.; rum, from 2s. 2d. to 1s. 8d.; tallow, from 41s. to 32s. These were great depreciations (hear, hear); whether from the change in the currency, or from whatever other cause, the fall had actually taken place; and how was it, that amid this general depression, if there was such an abundance in the country, that the price of corn remained so high? Ministers did not anticipate famine; but they thought such a material rise in the price of corn possible, as would lead to severe privation. The nominal price at which foreign corn could come in was 80s.; but it might be at 100s.—even at 120s.—before the ports would be open. A long run of averages was necessary before the ports could be opened, during which the most serious evil might exist, before the law applied any remedy. He could perceive, from the manner of the hon. member (Mr. Baring) that he thought this a reason why the corn laws should at once have been altered. If no other remedy could have been devised, he (Mr. Peel) should have been prepared for such a proposition. But he thought otherwise; and he was convinced, that if any course was likely to procure a cool and impartial discussion of the corn laws next session, it was the success of the measure now before the house. Looking back to the case of 1766, which had been quoted by his rt. hon. friend, he found the circumstances connected with that occurrence

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peculiarly analogous to those belonging to the present. In June, Parliament had been dissolved; and it had been found necessary to call it together again in November. In June those difficulties had been suspected, which afterwards fell out. The preceding harvest had been bad, the exportation had been considerable; the Lord Mayor had written to the cabinet ministers, stating his apprehensions that a scarcity might take place. Of all this the Government took no notice. They allowed parliament to dissolve. A scarcity attended with considerable tumults arose; and the royal prerogative was resorted to, for the purpose of stopping exportation. On this occasion, Lord Mansfield was represented to have expressed himself thus:—"I will say, in general, that he is not a moderate minister who will rashly decide in favour of prerogative, in a question where the rights of parliament are on the side; and I am sure he is not a prudent minister, who, even in a doubtful case, commits the prerogative by a wanton experiment, to what degree the people will bear the extent of it. But, my lords, rashly and wilfully to claim or exercise as prerogative, a power clearly against law, is too great boldness for this country; and of all things in the world, the suspending or dispensing power—that edged-tool which has cut so deep—is the last that any man in his wits would handle in England;—that rock which the English history has warned against with such awful beacons;—an attempt which lost one prince his crown, and another both his crown and his head, and that at length expelled their family out of this land of liberty to the regions of tyranny, as the only climate that suited their temper and genius;—a power, the exercise of which stands branded as the subversion of the constitution, in the front of that truly great charter of your liberties—the Bill of Rights. A minister, who is not afraid of that power, is neither fit for the sovereign nor the subject. I love a bold minister, when he keeps in the true sphere. In times of distress and danger, boldness is a jewel; and with joy I have seen bold, even wild enterprises succeed, though hardly within the die when undertaken. But the enemies of our country are the proper objects of our boldness, not the constitution" (hear, hear). Now the power which ministers asked for was one that could be exercised without apprehension; which, in fact, might possibly not be resorted to at all!—Looking at the subject in every point of view, he conceived that the rejection of the present measure would be fraught with serious mischief.

Lord Althorpe opposed the motion, because its effect would be to leave every man's farm at the discretion of ministers.

Colonel Davies expressed his intention of voting for the motion, although he did not approve of the conduct of ministers. He wished the corn laws to be repealed; and to effect that object, the question ought to be met fairly and openly.

Mr. Bennett said the rt. hon. gent. (Mr. Peel) had stated, that wheat was, in May last year, 67s. per quarter; while in the present month it was 60s. Now he did not think it just to compare the alteration which had taken place in cotton and coffee with that which had occurred in corn. Those articles had before risen much higher than wheat had done. He would read a few items for the purpose of showing that wheat was now comparatively cheaper, with reference

to the prices of other articles, than it was in 1792. The rise in wine was 140 per cent.; in shoes 130 per cent.; in livery cloth, 80 per cent.; other cloth, 100 per cent.; hats, 90 per cent.; glass bottles, 80 per cent. He could swell out this list much farther, and the result would show, that corn had not, in comparison with other articles, arrived at that extravagant price which some gentlemen had described.

Mr. Whitmore said, that he had been censured by ministers for introducing his late motion; but after what had occurred, he hoped other gentlemen would not be deterred from introducing beneficial measures, because ministers resisted them in the first instance.—He trusted they would give some explanation as to the mode in which they meant to exercise the power they now called for; because he thought, if the proposition were left in its present naked state, it would create considerable alarm amongst the agriculturists.

Lord Milton must say that the hon. member (Mr. Whitmore) had some reason for complaining that the measure had not been introduced earlier. He and the house had reason to complain of ministers, for not being acquainted with their own minds. He thought it would be much better for the house and the country that this question should be decided at once.

Mr. Calcraft admitted that the present modified measure was far less objectionable than the original plan. It was no longer a settlement of the question of the corn laws by a side-wind. It had nothing to do with the duty or price; but it gave ministers a power to do a certain definite act, in the contemplation of a state of affairs which probably might exist during the recess of parliament, instead of requiring them afterwards to call upon both houses to grant them indemnity for a course which they had been imperatively called upon to pursue. He saw, however, vast difficulties in the execution of the plan, but he waited for the details before he came to any final decision. From this time forth, ministers took into their hands the power of settling the price of corn; the directors of the Bank had the power, by law, of settling the value of the currency; and the value of bread, by law, was to be confined to the directors of the Treasury. If his friends would now take his advice, it would be not to divide upon this stage of the proceeding, but to wait for the whole measure, and to contemplate it in all its bearings, recollecting, that to ruin the manufacturing interest was to ruin the agricultural interest also.—The rt. hon. gent. (Mr. Peel) had mentioned a great fall in different articles—cottons, Pernambucos, and other things, of which he (Mr. Calcraft) did not even know the name; and had observed, that there had not been a corresponding depression in the price of corn. The truth was, that the speculators in cotton and other articles had gone wild; and if the same course had been pursued in wheat, the same consequences would have followed.

After a few remarks from Col. Trench and others, the resolution was agreed to.

LORDS, MONDAY, MAY 8.—Lord Alag said, that he had lately seen in a printed pamphlet, a statement which was a gross and scandalous libel upon the house. He did not mean to say that it was also false. But then their lordships knew that in the eye of the law the fact of a libel being true was only a proof of greater malice. The libel, no doubt, would have—as



had been said of libellous publications in another place—the effect of making their hair stand on end. It was a passage in a memoir circulated among the land-owners of a part of the continent (Appendix 9 of Mr. Jacob's Report). Alluding to the postponement of the corn question by parliament from session to session, it was said—"Our ardent hopes for a rise in the prices of corn, founded on the expectation that England may open its ports, have unhappily again vanished. The new liberal policy adopted by England, with regard to commerce, has not been extended to the corn trade; and the motions of Mr. Huskisson and Mr. Whitmore, as well as the numerous petitions that were laid before parliament, did not meet with any success. It is doubtful whether they will have a better fate next session, should even a new parliament assemble; the influence of the members of the House of Lords, whose interests (in this instance) are at variance with those of the community at large, being too prevailing." He did not know whether it would be proper to call the printer to the bar and make him answerable to their lordships for the libel, as it appeared that the pamphlet was published by the House of Commons.

The Earl of *Limerick* congratulated himself that for once he should agree with the noble lord. He did really think that the paragraph which had been quoted contained a libellous insinuation.—"The country was at the eve of a general election; their lordships knew the state of distress into which the manufacturers were plunged, and he was afraid that measures were now brewing which would place the agriculturists in a similar situation."

**COMMONS.**—Sir *T. Lethbridge* presented a petition signed by the committee of the Norfolk Agricultural Society, stating that the measure now before the house relating to foreign corn, would, if it should become the law of the land, virtually repeal the corn laws—that the petitioners, confiding in the assurances of ministers, and the resolutions of majorities in parliament, that no alteration should be made in the corn laws during the present session, were taken by surprise, and deprived of all opportunity of opposing so effectually as they might have done what they could not but consider as an impending evil,—that if the poor manufacturers stood in need of relief, it ought to be afforded to them in the same manner as it was afforded to the other necessitous classes of the community,—that the petitioners were willing to contribute their proportion towards such relief, but that the whole burthen should not be allowed to fall on them,—that the distress had not arisen from any excessive high price of corn, but that even if it had, the remedy ought to be such as would afford relief to the distressed persons alone, and not like the present measure, which would afford an advantage to the whole community, at the expense of the agricultural interests; and praying that no alteration might be made in the corn laws which would increase the facility of importing foreign corn until taxation should be reduced at least 50 per cent. (cheers).

On the motion that the report of the committee on the corn laws (Act 3 Geo. IV. c. 60) be now brought up.

Mr. *Heathcote* opposed the motion, repeating his former arguments against the second resolution.

Mr. *Catercraft* said, that although many of the

objections which he entertained to the original proposition, were removed by the omission of the words price and duty, still the original sin of the measure was, that the agricultural interest was held up by it to the manufacturing interest, as the barrier which existed between them and subsistence, and as a barrier between them and that increased demand which was declared necessary to relieve their distress. He was satisfied with what had been done on the former occasions when this subject was before the house, and he should recommend that the sense of the house should not now be taken.

Lord *Belgrave* said, that he could not approve of the motion. It had been shown, that if the Government should give the manufacturers the whole quantity of corn which it was proposed to admit, it would afford them no relief; to sell it, therefore, even at a reduced price, would be only to mock their sufferings.

Mr. *H. Sumner* objected to the motion. The *rt. hon. gent.* (Mr. Canning) had stated that 500,000 quarters, together with the quantity now in bond, made rather more than half the greatest quantity that had been imported in any one year: he found, however, that in the year 1819, in which the greatest quantity of corn ever known had been imported, it amounted to 1,582,000 quarters. And what had been the effect on the agriculturists? It had plunged them into the greatest distress for three years. It was the duty of every member connected with the land to resist the measure, and he should oppose it in every stage.

Mr. *Stanley* said, that if the *hon. gent.* had lately come, as he (Mr. S.) had done, from the distressed districts, and seen, in those places where there was absolutely the least suffering, weavers working 15 hours a day for 5s. a week, he would hardly be disposed to resist any course which was likely to give them even temporary relief (hear, hear). He had seen these weavers bearing their privations with a resolution which deserved the highest praise; and subsisting, with their families, upon one scanty meal of oatmeal a-day rather than apply to the parish for relief (hear, hear). He did not believe that the present measure could cure these distresses; but it might alleviate them; and if it would alleviate them ever so little, he would vote for it.

Colonel *Wood* was anxious, for the sake of the manufacturers themselves, not to ruin the home market by distressing the agriculturists. He wished that a price should be fixed—say, for instance, 70s.—at which ministers should at once have the power of opening the ports to the 500,000 quarters of corn.

Sir *M. W. Ridley* saw no peculiar necessity for the second branch of this measure now; as far as his information went, there had never been less likelihood of any approach to scarcity in the country.

Mr. *F. Lewis* thought the measure likely to produce great immediate relief to the manufacturer, and incapable of doing the slightest injury to the agriculturists. It would doubly assist the trading interests; because it would render food cheap, and lead to the export of commodities.

Mr. *J. Smith* said, that they who declared that the proposition made by ministers would injure the agricultural interest, were bound to take a more extended view than they had done of the relation which that interest bore to other classes of the community. Particular inter-



rests ought to be forgotten, in order to prevent the confusion which might arise under the circumstances which might occur before the harvest. He felt it, therefore, to be his duty to support the proposition of ministers, without considering whether they might or might not have brought the subject before parliament at an earlier period—or whether they ought, or ought not, to have discussed the whole question in the present year.—He was glad to hear from different gentlemen that there was no likelihood of a scarcity. On this point it was generally supposed that ministers always had the best information; and, if a shadow of doubt arose as to the correctness of the information they had received, ministers would be guilty of an abandonment of their duty, if they did not examine into the fact, for the purpose of preventing any mischief to which their misinformation might happen to lead. He must say, that he approved of the measure originally proposed, more than of the present. By the present measure, it might be found that the quantity of corn allowed to be imported would be insufficient to meet the demand. In that event, he knew of no mode by which ministers could meet the exigency, except by violating the law, under the hope of receiving indemnity by an act of the legislature.

Mr. Baring could not agree to leave in the hands of Government the power of shifting the price of corn. Distress might arise in one place, this day, and in another, the next; and the object of this proposition was to enable Government, at its pleasure, to shift the price of corn to meet those partial circumstances. His opposition to this measure did not rise from any attachment to the corn laws, but from an unwillingness to place in the hands of ministers the power which was now demanded, when no person could possibly know how that power would be exercised. By the course proposed, neither the grower, the dealer, or the consumer, would know what was to be the price of corn; it was left entirely at the will of his Majesty's government. Now, the manner in which they had, day after day, dealt with other questions of great importance—questions also connected with the corn laws—lowered his confidence with respect to the way in which they would exercise this power. They began the session by meddling with the currency, which they should have left alone (hear, hear); and if they had left it alone, all the difficulties and all the distress would long since have subsided. They would have heard nothing of want of food in Manchester and other parts of the country, and next year they might have safely retraced their steps with respect to the 11. notes. Instead of that, ministers came down prematurely, and by the measures they proposed, knocked from under the small trader the little capital he possessed, and destroyed that confidence which had before prevailed. The reason the ship did not right herself—the reason the country did not at once get over its difficulties—the reason those difficulties had lasted so much longer than they had done on former occasions—was the unfortunate meddling with the currency at the most inauspicious moment that could have been selected. The country was, in fact, suffering under the doctor rather than the disease (hear). Instead of adopting measures to meet the present moment, it was necessary that they should adopt a uniform system. Speaking of the country gentlemen, he must say, there never was a

time when that class of individuals was more disposed to be reasonable. At no time were they more disposed to go into a committee on the subject. There was, he believed, scarcely one of the country gentlemen in that house who did not think that the corn laws required revision. In the first place, it appeared to be the feeling of almost every body, that with open ports and a permanent duty, the corn trade might be safely and beneficially carried on; the only difficulty would be, to fix the amount of duty to be exacted, and the rate of price to which that duty should be applied. Now, though he was inimical to the present corn laws, he was not an enemy to a considerable degree of protection: and, with respect to the extent of protection, it must, after all, be a matter of experiment. He would suggest, that a duty of not less than 15s., or more than 18s., which would give protection to wheat at from 55s. to 60s. per quarter, might be found sufficient. In the early part of the session, the state of the currency was urged as a reason for not considering this question. The necessity of introducing gold to meet the deficit occasioned by the withdrawal of the 11. notes, was strongly dwelt on; and it was said, "if you introduce corn, you cannot import gold." This argument could not now be put forward; because the taking out of the bonded corn would set the merchants to fill the warehouses with fresh corn. The moment these 300,000 quarters of corn were sent out, the warehouses would be again filled—and it was desirable that it should be so. And why? Because the secret was now out. The corn dealers of Germany were apprised of the fact, that these kingdoms did not grow corn enough for their own consumption (hear, hear). Last year there were 400,000 or 500,000 quarters let out of bond, and there was also what was called (and he believed truly, though it might have partially failed in some places) a fine harvest. Yet they had, in the face of these circumstances, a certain evidence, not of an absolute scarcity—nor yet sufficient to produce a just alarm of scarcity—but quite sufficient to prove that this country did not grow enough for its own consumption. He wished to point out one considerable advantage which would accrue from beginning the experiment in the corn trade in the present year. It was evident from Mr. Jacob's report—the merits of which he would not enter into—although he did not consider it to be a production on which, as a whole, he could place great reliance,—that the supply which could now be sent to England from the Continent was not very great. In making the experiment on the corn laws, a new rate of duty must be imposed; and if that duty were very low, the foreign merchant had it not in his power this year to take advantage of it, and to inundate the English market. But when the foreign growers put their seed in the ground next year—and in their power of supplying this country he differed from Mr. Jacob—knowing that England could not do without them, they would take care that there should be an abundant supply. His advice, therefore, was, that ministers should take the question up boldly, and that they should adopt some permanent principle, instead of having recourse to vacillating measures, as they had hitherto done. This was what ought to be done, and what must be done; for he would defy any man to say, that this country was not in a predicament that required an alteration of the



corn laws, even for the benefit of the country gentlemen themselves. The necessity for a permanent measure was equally evident in respect to the bonded corn. The letting in corn in this way reminded him of the annual gaol delivery of debtors, before the Insolvent Act. Those annual acts became necessary from the defect of the law; and the same thing would happen from year to year with respect to the bonded corn.—With respect to the duty to be imposed on this bonded corn, he could see no reason for adopting 12s.; and when the bill was in the committee he meant to move that it should be 15s. instead of 12s. He would do so because he did not wish for a duty below that which he thought would be safe as a permanent one. He believed that if they even put on a duty of 25s. the corn would still come in; but he was quite sure that 17s. or 18s. would not interfere with the supply (hear, hear).

Mr. W. Whitmore must admit that the investing Government with such a power as that of admitting 500,000 quarters of corn, without check or control, was calculated to produce very serious effects upon the agricultural interests. He feared that the knowledge of such power being placed in their hands, might produce unfortunate results amongst the farmers. The farmers, who were, comparatively speaking, ill informed, might be seized with a panic and rush into the market, to the injury of themselves, and eventually of the public. He acknowledged, therefore, that every fresh circumstance only tended to strengthen his conviction of the necessity of a reform in the corn laws.

Mr. Irving concurred in all that had fallen from the hon. member (Mr. Baring) as to the causes that had produced the late calamitous distresses. Long before the month of November, or December, ministers ought to have taken some measures to prevent the evils not arising from what had been called over-trading, or speculation, but from a great and rapid reduction of the currency (hear, hear). As it was, ministers had contributed to the danger instead of endeavouring to avert it, and it was not owing to their exertions that the ship had not foundered.—He could not agree with the hon. member (Mr. Baring) as to the operation of the corn laws, and doubted whether the opinion he had stated was that of the country. Sure he was that it was not the opinion of the agricultural interest. If he (Mr. Irving) understood their sentiments, the farmers were well satisfied with the law as it stood: it had worked well for them and for the country. The corn laws might not, indeed, square with the present fashionable system of political philosophy—they might not accord with the fanciful theories of the metaphysicians and reviewers of Edinburgh (hear, hear); but, as a plain practical man, he could not help rejoicing in the continuance of a system which had benefited one class without doing injury to another (hear, hear). It appeared from the report of Mr. Jacob, for whose character he felt great respect, but with whose facts he could not concur, and from whose arguments he dissented—that the rent of land in countries bordering upon the Baltic was 1s. 3d. per acre for the best, and 6d. for the worst land, while labour was only 5d. per day; the food of the peasantry was cabbage and black bread, their clothing rags, and their cottages wretched. The soil also was productive without limit. Now, in this kingdom, and he hoped it always

would be so, the agricultural labourers lived in comfort, and had more wants than the peasantry of any other quarter of the world. He trusted in God that they would always have those wants, and the means of gratifying them; because, to gratify them, they must be virtuous and industrious. He could not see, therefore, how Great Britain could enter into any competition with foreign countries, like those he had described, and no duty of any amount could give adequate production to the agriculturists of England. He felt no reluctance in giving ministers the discretionary power they demanded; although he should prefer another mode, which he would take the liberty of mentioning. The rt. hon. gent. (Mr. Huskisson) had stated, as one of the inconveniences of the corn laws, that if a scarcity were to happen, for instance, in August next, three months must elapse, by the present mode of ascertaining the averages, before the ports could be opened. The remedy he (Mr. Irving) proposed was to open the ports whenever the average price of wheat reached 70s. per quarter: the average might be taken on the quotation of one day.

Mr. Huskisson:—A variety of opinions had been started, and a number of suggestions offered, to meet an exigency, the existence of which every gentleman more or less admitted. His hon. friend, if he might be permitted to call him so (Mr. Whitmore), seemed to fear that the suggestions of Government would occasion great alarm, and depression of prices. But there might be another ground of alarm—that they should not have a sufficient supply of corn to carry them on to the next season, and this would occasion a rise of prices. But alarm from an opinion of abundance, and an alarm from apprehension of scarcity, were incompatible. He had stated on a former occasion, that the corn in bond proposed to be admitted into the market would not materially affect the prices. The great alarm, however, appeared to arise from the introduction of the 500,000 quarters. But gentlemen appeared to forget that it did not follow, from the vesting of this discretionary power in the Government, that they were bound to admit this quantity of corn. No foreign corn would be admitted, unless the necessity of it should be evident. He begged to recal to the recollection of the house what had happened in 1816: and then they could not but be sensible of the expediency of vesting this discretionary power in the hands of Government. In that year the harvest was very deficient; and yet the ports were not opened till November, although the price of wheat was at 100s. per quarter. They remained shut during August, September, and October, notwithstanding the great advance of price; and then, when the ports were at length opened in November, other countries in which the harvest had been also deficient came into competition with this country in the market, and prevented that ample supply that might otherwise have been obtained. He was as sensible as the hon. member (Mr. Baring) of the inconvenience of this occasional legislation. But he challenged the staunchest supporters of the corn laws, to say, that under the present circumstances, these laws ought to be allowed to come into full operation. No one would venture to say so; and they were bound, therefore, to give this discretionary power to ministers, or adopt some other measure that might obviate so great a calamity. With respect to



the general question, he had only to repeat what he had often said before—that it could not be conveniently brought under discussion till the arrival of a period of less distress and difficulty; and as to the proposition of the hon. member (Mr. Baring), for going into a committee on the corn laws, that hon. member would do well to consider whether the adoption of such a course at the present moment, would tend to allay the alarm and relieve the calamity under which the manufacturing districts were labouring. In his opinion the effect would be the very reverse.

Sir E. Knatchbull said, that reflections had been made in the course of the debate, that the landed interest were backward on the present occasion in coming forward to second a measure of relief. That charge was unfounded and unjust. The landed interest had come forward on every great occasion to give their support to the Crown when the true interest of the country was concerned. He, for one, would have agreed to let out the bonded corn, in consideration of the present distresses; but representing a large portion of the landed interest of the country, he should consider that he compromised his duty if he gave the measure his full support.

Mr. Canning must say, that even those who had entered into the greatest length of discussion on this subject, had kept far wide of the practical question. That question was this:—Here was a law for regulating the trade in corn, enacted under peculiar circumstances, such as perhaps justified the act, but a law of which the extreme provisions had never been suffered to come into operation. It was notoriously the fact, that the country was at present in a situation exactly the reverse of that in which it was placed at the time when that corn law was passed; and no man, however attached to the corn restrictions, had ventured to say, that the extreme provisions of that law could be brought into operation in the existing circumstances of the country, without producing a high degree of apprehension and alarm. Why, then, if it were granted, he had every thing that was necessary to support his view of the subject; and it was clearly the duty of Government to oppose the prejudices of those who objected to the proposed measure, although it was not necessary to combat their arguments, for no arguments had been adduced. Even those who were most decided in the support of the corn laws, and who said that they ought to be maintained as a permanent system, admitted that, for the purpose of maintaining them, some alteration ought to be made, *pro hac vice*. The opponents of the measure asked from what could the exigency arise which called for the present measure; did it arise from the high price of corn? He answered, no such thing—and having answered their question, he would, in his turn, put it to them, for all admitted the existence of the exigency, since they all prescribed a remedy. Those who admitted that the price of corn ought to be lowered, and those who agreed with him on the propriety of receiving the bonded corn, equally admitted its existence. They must, therefore, think the measure proposed a measure of necessity. If there was a necessity for any measure, that measure must be either by the alteration or the suspension of the law. Some members had spoken for an alteration. He thought otherwise. The very existence of any reason for preventing the law from now coming into

full operation, was a reason, as it seemed to him, why it would now be inconvenient to make any alteration in the law; and that inconvenience would be principally felt by the landed interest. He protested, that, whatever might be the construction put on this measure by the landed interest, if he were called on to describe it, he should say it was a bill for the protection of the landed interest (cheers). He had no hesitation in saying, that he could bring forward arguments which would fully make out that description; but he would not now go into them, as they might be liable to misconstructions, some of which, especially at the present moment, it was peculiarly desirable to avoid. Well, then, if an alteration of the law were not advisable, how were they to provide the means for meeting the exigency? On looking at the debates which had taken place on the corn laws formerly, he found it urged over and over again, as a reason why the ports should not be opened, that if an exigency should occur, ministers might open the ports on their own responsibility, but he found also that Government had constantly refused that power; and on looking to history he found that where Government had exercised such power, it had always been attended with great inconvenience. All he asked, then, now that Parliament was sitting, was, the means of providing for such an exigency, leaving it to Parliament itself to limit the exercise of the power to be conferred. The whole question was this—on the one side was a measure fraught with much inconvenience and mischief; on the other, one by which the same end might be obtained without incurring the mischief. One was to enter upon a discussion of the corn laws, at a time when the country was in that state which would preclude the chance of a sober and unprejudiced consideration of them—the other was to leave the whole matter to the discretion of ministers. They did not wish to resort to the royal prerogative. They rather chose to come to parliament for a limited power, and that power they asked under circumstances in which, in his opinion, parliament would not be justified in the refusal (hear, hear).

The house then divided. For bringing up the report, 185—Against it, 58—Majority, 127.

On the question that the resolutions be read a second time,

Mr. Baring observed, that it would be better, under all the circumstances, to go at once to a committee, where the whole subject might be considered in all its bearings. The fact was, that ministers put it off from year to year, because they were afraid to meet their own friends in parliament. In order to afford an opportunity for reconsidering the whole subject, he should move as an amendment, "That the resolutions be recommitted."

Lord Milton seconded the amendment.

The house divided, when there appeared—For the amendment, 51—Against it, 167—Majority in favour of the resolutions, 116.

The report was then agreed to, and two bills (the Warehoused Corn Bill, and the Importation of Corn Bill) founded thereon, were then read a first time.

TUESDAY, MAY 9.—Mr. Phillips presented a petition from the cotton-spinners of Manchester against the corn laws, to which they traced a great part of their present sufferings.

The petition was ordered to be printed.

Mr. Huskisson moved the order of the day for



the second reading of the Warehoused Corn bill.

Lord Milton was anxious to take the present opportunity of asking the rt. hon. gent. (Mr. Canning) whether the two bills now before the house were intended to include the whole of the measures intended by Government for the relief of the distressed districts? It was well known, that a subscription for the relief of the distressed manufacturers had been sanctioned by ministers, thus obviously admitting that relief of a pecuniary nature was necessary. He felt convinced that the distress was now of that urgent nature which would justify parliament in voting pecuniary assistance.

Mr. Canning:—When the motion on this subject, of which an hon. member (Mr. P. Moore) had given notice, should be brought forward, he would be prepared to give the noble lord an answer.

Mr. H. Sumner having pressed the question of adjournment,

Sir T. Lethbridge expressed a hope that his hon. friend would allow the first measure to go on.

Mr. H. Sumner replied, that all he would say in answer to the suggestions thrown out was, that they who thought this bill of no importance might vote for it. For his own part, he thought the measure was uncalled for—that no case had been made out to prove its necessity—and that it would be extremely injurious to the landed interest. Having these sentiments, he must act for himself; and if he stood alone, he would take the sense of the house on it.

Mr. Tremayne concurred with the hon. member (Mr. Sumner). There was nothing in the state of the country since the 18th of April which could render the measure necessary, and after the full discussion, and the solemn decision to which the house then came, he thought no alteration ought to be made in the corn laws. He would therefore support the amendment.

The house then divided:—For the original motion, 174—For Mr. H. Sumner's amendment, 1—Majority against it, 172.

The bill was then read a second time, and ordered to be committed to-morrow.

The Importation of Corn bill was then ordered to be read a second time on Thursday next.

**LORDS, THURSDAY, MAY 11.**—The Earl of Malmesbury, in rising to introduce a resolution against any alteration in the Corn laws at the present moment, assured their lordships that he felt great pain and embarrassment in addressing them,—great pain, because he differed from persons whose opinion on public affairs had, on other occasions, been the same as his own, and for whom he felt the greatest personal regard,—and great embarrassment, because of the state of the country, which was suffering under an enormous extent of distress. He also lamented that some one of their lordships, better able to execute the duty he was attempting to discharge, had not undertaken the task. It appeared from the votes of the House of Commons, that there were two measures connected with the subject of the corn laws before that house. The first was for allowing the corn now in bond to come into the market, which he did not intend to oppose. By the second it was proposed to place in the hands of ministers the power of introducing, during the recess of parliament, 500,000 quarters of foreign corn.

It might be that the other house would think fit to pass a bill authorizing the importation of such a quantity of corn, without making it subject to a duty, or imposing any limitation as to time. On the contrary, it might be the opinion of their lordships that there ought to be a fixed duty, and a limited time of importation. The necessity, therefore, of previously considering the subject before the bill came up from the other house, was obvious; because no alteration could be made in a bill of this kind, by that house, without causing the measure to fall entirely to the ground. He did not mean to pursue the subject to a great length, but wished to call their lordships' attention to the state of the corn question. Their lordships might recollect, that in March 1825, a rt. hon. gent. (Mr. Huskisson) declared that, although he thought a revision of the corn laws necessary, it was not intended to agitate the subject that session: it was understood to be postponed to the present session; but, notwithstanding, two minor questions were brought forward at the close of last session, both of them bearing on the corn laws, and both of them involving a violation of the principle of those laws. By one, 433,000 quarters of bonded corn were thrown into the market; the other proposed to establish a free trade in corn with our North American colonies. To the first bill no opposition was given, but the second was seriously resisted in that house. The noble earl (Liverpool), notwithstanding he had agreed to putting a duty of 5s. on Canada wheat, at the same time declared his opinion that there ought to be no duty, but that the trade should be quite free. Their lordships, however, thought differently. It was at first proposed, that the bill should be extended to three years, but the period of its duration was afterwards reduced to one year. In the beginning of the present session the noble earl again postponed the consideration of the question of the corn laws, on account of the great commercial distress, and the measures which it was thought necessary to adopt with regard to the currency. About ten days ago, when the distresses which prevailed in the manufacturing districts assumed a more alarming character, a noble marquis (Lansdowne) suggested a vote of money to be applied towards the relief of the distressed. The noble earl (Liverpool) stated that Government had no intention of granting money. They relied, he said, on private charity and the poor-rates. Now of the poor-rates, it was not stating the proportion too high when he said that the landed interest already paid at least 7-10ths. In addition to this, Government proposed the two measures which were now before the other house. Of these he certainly saw objections to the first measure; but he would not occupy their lordships' time in stating them, as he did not mean to oppose it. But if their lordships would have the goodness to indulge him so far, he would state how much foreign corn had—in violation, as he contended, of the existing corn laws—been introduced into the home market since the 21st of last June. Of bonded corn there were 433,000 quarters; of Canadian corn, 95,000 quarters; and, by the first of these measures, there would be, further, 300,000 quarters; altogether making 828,000 quarters in eleven months. Then, if to that were to be added the 500,000 quarters to be introduced by the second measure, they would have a quantity of 1,328,000 quarters of foreign corn introduced into the home market within one year.



Now, the annual average importations had been about 450,000 quarters, including years of war as well as peace; so that this year they would have admitted a quantity greater than the average amount of  $2\frac{1}{2}$  former years.—Looking at the question, with a view to the probability of a scarcity, he would first consider the average prices of past years, and then the average price of this year. He would not look back to a period of war, but he would take the years 1816 and 1817, which had been two of the worst years ever remembered. In November, 1815, the price was 36s.; in May, 1816, it was 75s.; in November, 1816, it was 98s.; and in May, 1817, it was 105s. In this year the quarterly averages ran thus:—In May, 1825, it was 60s., which was 45s. less than in 1817. On the 14th of November, two months after the harvest, in 1825, it was 64s. 5d.; in the following February, which was five months after the harvest, it was 60s. 5d., which was less by 5s. than it had been in two months after the harvest; and in May, which was eight months after the harvest, the price was 60s. 4d.; so that it was now full 5s. less than it had been two months after the harvest. There was, therefore, no great probability of high prices this year. Now, it was said that the stock in hand was deficient; but that he begged leave to deny. It was very well known that the farmer could sell a necessary quantity from time to time, and he would still have as much as would last him to next harvest. He had no documents to prove this to the house, but such was his information on the subject; and this was the case in Norfolk, Sussex, and other counties. He did not pledge himself, however, to this fact; but he argued from it to show that though the warehouses might not be so full as they ought to be, that was no proof that the stock in hand was not sufficient.—Now, with respect to the noble earl's measures, he (Lord Malmesbury) must first beg leave to ask one thing—what was the cause of the distress? The master-manufacturer said it was the combinations of the workmen. The workman said it was the machinery. Old-fashioned people like himself (Lord Malmesbury) said it was the free-trade principles. Some attributed it to the state of the currency; others to the corn laws; whilst some again attributed it to the excessive speculations of last year. Whatever it was, he believed in his conscience that the corn laws had nothing to do with it; and that being the case, their lordships should prove it to the world. When the cry against the corn laws was, he would not say encouraged, but countenanced by the measures proposed by Government, he thought it incumbent on the house to adopt some steps to disabuse the public mind on the subject. He would only ask one week, and would undertake in that time to prove, by the testimony of five or six honest manufacturers, that not only their present distress was not attributable to the corn laws, but that any alteration of them would be calculated to increase that distress; for if it increased the distress of the other class of the community, it must of necessity increase theirs. On that ground he took his stand.—Another reason why he was anxious for inquiry arose from rather a singular circumstance—namely, an expression which dropped from the noble earl in introducing these measures—the words, “famine price.” Now, how could that price, which, in 1822, was fixed by ministers, in four

short years become a famine price? He must do the noble earl the justice to say, that when he used the expression, he added, that what might not be a famine price one year, might, owing to a change of circumstances, become a famine price the next; but the proposed duty of 12s. was liable to the same observations; for this also might in time become a famine duty. He contended, therefore, that there was good reason to go at once into an inquiry; for it would be impossible to let a farm, or form a contract, if the price of corn were to be left depending upon the opinion of ministers as to what might constitute a famine price. If the word famine price applied to corn, so did it apply to other articles of life, which were equally dear. Hats, coats, shoes, might be said to cost a famine price; as the noble lord might see, if he had time to look into his tailor's or his shoemaker's accounts. The same observation applied to education and to tea, which had now almost generally become a necessary, and which was as high as it was in 1822. If, therefore, one thing was at a famine price, so was every other. Having mentioned education, he would observe that he was partial to the education of the lower ranks; he always rejoiced at what was called the march of intellect, because it enabled the people to overcome prejudice; and if the present subject were fully understood, he was convinced that the prejudice which now clouded the public mind would be removed, and it would be universally allowed that protection must be given to the landed interest. They were taxed in a way in which no other class was taxed; they could not avail themselves of the aid of machinery, and they could never have more than the mere interest of their money.—He would now only refer to one point—namely, Ireland, which afforded one of the greatest resources to this country against scarcity. The average quantity of corn which had been imported from Ireland, according to the statement of Mr. Tooke's book, during the first three years after 1806, when the importation duty was taken off Irish corn, was 63,000 quarters; and in the last three years down to 1822, beyond which the tables did not extend, it averaged 484,000 quarters; equalling in amount the former importation of foreign corn. But their lordships had a document lately laid before the house, which put this in a stronger point of view. From that it appeared, that the quantity of meal, flour, and grain, imported from Ireland in 1815, was 1,600,000 barrels; in 1823, it increased to 3,700,000: so that the greatest dependence might be placed on the supplies of that country.—If the power of importing these 500,000 quarters of corn could be intrusted in any hands, it might be in those of the noble earl. But it was too great a trust for any hands. What would be the effect of this measure upon the market for the next eight months? No man would buy wheat for what he might purchase it for to-day, if he expected that 500,000 additional quarters would be brought into the market to-morrow. Suppose 200,000 pair of shoes were imported here from France, and placed in the hands of the noble earl, to be brought into the market when he thought fit; it would immediately produce an insurrection amongst the shoemakers of the metropolis. The noble earl might say to them, that 200,000 pair of shoes bore no proportion to the quantity required for this great metropolis; to which they would



instantly reply, no; but so long as the public expected this additional supply to be thrown into the market, they would not buy any shoes from them; and thus the uncertainty which the anticipation of that supply produced destroyed their sale. So it would be with the anticipation of these 500,000 quarters of foreign corn; it would completely destroy the home-market. The noble lord concluded by moving a resolution to the following effect:—"That this House, although most anxious to contribute to the relief of the suffering classes of the community, is of opinion that it would not be expedient to make any alteration in the existing system of the corn laws, with regard to the importation of foreign corn, without instituting a previous inquiry as to the necessity of such alteration, and the effects which it might produce upon the interests of the grower and consumer of British produce."

Earl Bathurst:—His noble friend wished the House to make a declaration of their sentiments, even before the proposed measures were brought under their consideration. But certainly the resolution proposed by his noble friend would not declare their sentiments: it was a resolution on which no two individuals would be agreed as to its meaning. Those who thought that there should be an alteration of the corn laws, but that it should be preceded by inquiry; those who thought there should be an alteration without any inquiry; those who thought there should be no alteration, nor even inquiry, this year, but that both inquiry and alteration should be postponed to next year; and those who thought there should be no alteration at all—might all put their own construction on the resolution. What did the noble earl mean by "the present system of the corn laws?" In 1815, the law, until wheat reached 80s., prohibited the importation of corn; at 80s. it was admitted free of duty. In 1822, it was determined that foreign corn should be admitted when the market price was 70s.; at then it was to be subject to a duty of 17s. for the first three months, and of 12s. afterwards, until it was at 80s., when a proportionate reduction was to be allowed, and it was then to pay a graduated duty. In addition to this, there was a provision that this law was not to come into operation until the market price arrived at 80s.; the effect of which was to suspend the law until corn should rise to 80s. a quarter. Now, then, what was the existing system of the corn laws? He (Earl Bathurst) said that foreign corn was to be admitted when the market price arrived at 70s. Now, if that were so, according to his noble friend's proposition, that part of the law ought to be repealed; but, on the other hand, those who could say that 80s. ought to be the protecting price, were pledged against this alteration, unless they first went into inquiry.—His noble friend wished the House to declare against any alteration in the corn laws; yet he was willing to allow the admission of bonded corn. This was a complete infraction of the laws; but, though he admitted this, he was unwilling to go any step farther, and admit foreign corn under any exigency. He (Lord Bathurst) would ask, did noble lords reflected what might be the state of the country in such a case? The noble earl said that the farm-yards were full of corn, if the granaries were not. He did not know from what authority the noble earl drew his statement, but he (Earl Bathurst) knew that

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last year there had been a very early harvest, and there was the prospect of a very late one this year.—(Earl Grey said, that that was not the case.)—Perhaps the harvest was much earlier in Northumberland (a laugh): but, supposing the promise of the crops now to be fair, even then it did not follow that the harvest might be got in so well as last year; and if that was not the case, corn might rise within six weeks to such an extent, that any one who thought of the state of the labouring classes must be convinced they could not exist. What was the remedy for such a contingency? Was parliament to sit up to the 14th of August? The averages were struck every three months, and one was on that day. Now, at that period the price might be below the protecting price; and the consequence would be, that they could not allow the importation of foreign corn for the following six weeks, and during that time it might rise to a famine price. If, then, the measure now proposed was not carried, what was to be done? Was parliament to be adjourned, and then re-summoned, without any thing being done in the interval? And if they were re-summoned, was such a moment propitious for the discussion of the principle of the corn laws? And yet, if parliament should be summoned under such circumstances, they must go into the discussion. Some persons were of opinion, that the power of the Crown should be exerted in case of necessity—that corn should be imported—and that ministers should then come to parliament for indemnity. Something like this had once been done by Lord Chatham; and when he afterwards came to parliament for an indemnity, it was asked, "Why did you not foresee this necessity before parliament had separated?" Let their lordships, therefore, give ministers some discretionary power to provide against an emergency.—He should now move "That the House do adjourn."

The Marquis of Salisbury was willing to place a proper degree of confidence in ministers, and he would have readily done so in the present instance, but that there was something in the manner adopted, and the time chosen for bringing forward these two important measures, that rendered them extremely exceptionable (hear, hear). From an opinion often expressed by a right hon. gent. (Mr. Huskisson) that the corn laws should be revised with a view to their being ameliorated, if not totally repealed, it was generally thought that it was the intention of Government to abolish the corn laws altogether. Added to this, a belief had gone abroad, that the corn laws had been so long kept up, in order to support the landed interest. This was an unfounded calumny on the land-owners; and if a proper investigation were gone into, with respect to the cause of the present distress in the manufacturing districts, an opportunity would be afforded to the land-holders to repel that imputation by proving that the distresses of the manufacturers arose from the adoption of the principles of free trade, and the dangerous delusive speculations which those principles had given rise to (hear, hear). Whatever might be the theoretical objections to the corn laws, they had had the practical merit of securing low prices, and thereby contributed most materially to the interests and well-being of that very class of persons who were led to view them as an evil,—he meant the manufacturing interests (hear, hear). He should vote against the

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resolution of the noble lord (Malmesbury); but he thought that ministers should take immediate steps to inquire into the existing distress, with a view to its effectual relief.

The Earl of *Limerick* had on many trying occasions been zealous in support of ministers. In storm and sunshine, in good and bad fortune, he had given them his aid. Of all of them he had a high opinion—to many of them he was personally attached, but, considering as he did, that the present measures were likely to be injurious to the country, he was obliged to withhold his concurrence. It was argued against inquiring into the cause of the distress, that it would occupy too much time. Why this was but the beginning of May, and their lordships' time could not be better occupied than by endeavouring to prevent a famine (hear, hear).—Like other measures of magnitude, the present could only be justified by the plea of necessity; and, accordingly, they were told that corn was at a famine price. Now what was the last price? It was 58s. 6d.; and for the last four months the markets had been falling. Could there be any apprehension of a famine-price while the average was 58s. 6d. with a falling market, and the certainty of 300,000 quarters being brought into consumption? The agriculturists were the only class that had survived the general wreck: they were interested in this question; for they had a considerable quantity of corn still on hand. There was also a very great stock of corn in Ireland; and if ministers persisted in their measures, that corn would go to a bad market, and the consequences would be ruinous to the landed interest of that country.—The noble earl then alluded to Mr. Jacob's report, of which he had not the patience to read more than half. He believed Mr. Jacob to be a respectable man; but he ridiculed the idea of his being sent on a six months' tour to examine the state of land in the principal countries in Europe.—He should vote for the resolution.

The Earl of *Harewood*:—Qualified as the measure respecting the importation of foreign corn had now become, and stripped of its alarming consequences, he did not think that the agricultural interests had any just grounds of alarm. He regretted the necessity of resorting to any measures of the kind, because he was fearful that in the distressed districts it would be thought that the corn laws had been a boon granted to the landholders, which they were now called on to give up (hear, hear). He denied that such had been the case. It was totally impossible to separate the manufacturing from the agricultural interests, and although England was a commercial country, the interests of all parties were inseparably joined.

The Earl of *Rosebery*:—If the proposition of ministers had been confined to the letting out the bonded corn, they should have had his support; not with a view to relief, because he should have been aware that the measure could not have alleviated the distress; but in order to show the distressed manufacturers that parliament was willing to do all in its power to assist them. With regard to the introducing 500,000 quarters of corn, at the discretion of Government, he thought it a measure pregnant with evil; and he thought that there was as much mischief in asking for, as in exercising that power. By asking for such a power, Government seemed to consider it as an act of prudence to alarm the agricultural interests, for he

was certain that alarm would follow.—The corn laws could have no effect on the distress of the manufacturing interests, for the poor manufacturers were starving for want of employment, and not from the dearth of bread. If corn were lowered to 38s. it would not remedy the distress of those who had not the means of subsistence. When Ireland was obliged to appeal to this country for relief, was it not said that the principal cause of her distresses was that the population of that country was starving in the midst of plenty? The same might be said of the present distress. If he conceived that either or both of the measures proposed by Government could be the means of affording relief to the distressed manufacturers, he should not now stand opposed to them; but believing that those distresses were attributable to other causes than those assigned, and feeling convinced that the present measures were inadequate to afford the desired relief, he opposed them as strongly as he should otherwise have given them his support.

The Earl of *Aberdeen*:—Notwithstanding all the sneers and jests which he had heard directed against the landed interest, both in and out of that house, he was still of opinion that on that interest was founded the constitutional Government of the country. He had yet to learn what had occurred to induce men to change the opinion, that the land-owners, the yeomanry, and the peasantry, formed the most valuable part of the population. These being his sentiments, he would not be backward to resist any measure which appeared calculated to injure the landed interest; but he thought that no friend of the land-holders who impartially considered the subject could think that these measures would injuriously affect their interests.—The noble earl (Liverpool) had been accused of inconsistency in bringing forward these measures after having stated that the corn laws would not be discussed this session. It was clear that the noble earl (Liverpool) did not consider the two measures which had been introduced into the other house as any interference with the great question. It was rather singular, too, that those noble lords who were loudest in condemning ministers for agitating the subject at all, were the first to propose a full inquiry into the whole system of the corn laws.—Some noble lords were disposed to consent to the admission of bonded corn, but objected to the discretionary power. There, again, was an inconsistency; they consented to the direct interference with the corn laws, and objected to that which was only contingent; for it was possible that the power which ministers demanded might never be called into exercise. For his part, not only was he willing to grant the discretionary power which ministers asked for; but he was not sure that it would not be wise to intrust it to every administration.—It would be wise on the part of the landholders not to put forth a strong opposition to these measures. They were bound to make some sacrifice, if it were only to the prejudices of that large class who were looking forward with anxiety to the decision of this question. Their lordships possessed as great a share of the love and respect of the people as the more popular branch of the legislature. By the nature of their constitution they were more exempt from the influence of popular clamour and prejudice than the other house. He was the last man that would yield any thing to clamour or intimidation.



he thought that their lordships had opportunity, without compromising dignity, and by giving up little or to remove from themselves the odium many persons were anxious should them. This view of the question, he trusted, he over-looked by their

Ellenborough observed, that the resolution had been complained of as ambiguous. The motion appeared to be one of the that had ever been submitted to the House, in substance, that only four of their lordships, after full inquiry and deliberation, passed a bill relative to the corn law, and it called upon them to consider whether circumstances had arisen since the passing of that act which called for an alteration of the measure. The noble earl (Bathurst) did not know what was meant when the noble earl said the corn laws were spoken of. Who was it that the system meant so well as the noble earl introduced it? It was the noble earl and his colleagues who introduced the measure, and it was they who introduced the measure in 1822. The system, then, was established by the noble earl, and if there was any absurdity in the measure, it was introduced by the noble earl, who had all his declamation in abusing a system owed its origin to himself and those who he acted. Ministers had stated that a great reason for apprehending a famine, was that persons having the experience in public affairs which ministers ought to have, should set up a cry of famine, which was as dangerous as the cry of fire in a theatre. If he looked at the average price of corn the last two years, or at the increase of Ireland, he saw no ground for supposing an unusual scarcity. It appeared to him that ministers had neglected to refer to the channels of information, when they made predictions of a famine. When the noble earl last year proposed the measure for the reduction of bonded corn, he (Lord Ellenborough) voted for it; but the circumstances which that measure was proposed, were not from those under which the present measure was introduced, that he wondered the noble earl (Aberdeen) should consider that the measure with respect to the former was a precedent for agreeing to the latter. The measure of last year was confined to the period previous to May 1822. A great deal of corn was in a very bad condition, and the measure was in fact an act of relief to the importers. The price of corn too was 6s. or 7s. higher than at present, and had been rising for two years. There were circumstances to justify the present measure.

He begged their lordships to recollect that what was innovation one year became a rule the next year, and rule the next. If the measure should be agreed to, the result would be, that we must always admit foreign corn. He thought the landed interests would be every encouragement consistent with the interest of the country. He objected to the free trade in corn—he desired to see our granaries placed in the hands of those who were jealous of our national interest (hear, hear).—The manner in which the measure had been brought forward would induce him to oppose them were it not so good in themselves. The faith of the noble earl had been pledged, not once but re-

peatedly, and very recently—that there should be no interference with the corn laws during the present session. He knew of no circumstances which had occurred since the noble earl (Liverpool) last made that pledge, which should induce him to depart from it. He was not disposed to grant as a premium to insurrection that which it was not thought proper to grant as an alleviation of distress. With reference to that distress, the most unfounded calumnies had been circulated against the agricultural interest, and those calumnies received a sort of confirmation from the introduction of the present measures.

The Earl of Westmorland observed, that the house had been told that there was no dearth; without entering into calculations as to the probability of a dearth, he thought no man could look at the state of the country, and not think that the price of corn was even now too high, which was itself an alarming circumstance. Yet it might happen that three months would elapse, whilst corn was 80s. per quarter, before the ports could open. A low price of corn in May was no reason why there should be a low price in October. Corn had been at 60s. or 70s. in the month of May, and had reached 100s. or 110s. in October. Ministers, therefore, thought it to be their duty, in the existing circumstances, to apply to parliament for a power which, if the house should concede it, would only be exercised in extreme cases.

Earl Grosvenor was of opinion that the proposed limitation as to quantity was objectionable, because if a scarcity arose, or any necessity for the exertion of the power, the limitation would destroy the benefit expected from the measure.—As to ministers, so far from deserving confidence, their conduct would afford abundant reason for withdrawing it. If these measures had been brought forward earlier in the session, every country gentleman in parliament would have got up, and insisted upon a reduction of the expenditure, and a diminution of taxation. They would have answered the ministers with—"No; we insist upon your reducing the expenditure to the lowest ebb, which you ought to have done ten years ago."

The Earl of Darnley regretted the manner in which this subject had been brought forward; and much as he regretted the principle of the measure, yet with the possibility of corn reaching a famine price, and the chance of a starving population, he could not bring his mind to reject the proposition of ministers. With respect to the corn laws themselves, he had been a friend to their introduction; he had strenuously advocated them, and he thought they had operated much benefit. But what might be good in 1815, was not therefore good in 1826; circumstances had totally changed. Whatever might be said of the opinion of parliament, the opinion of the country was to be regarded, and that was decidedly against these laws.

Lord King did not wish to detract from the merit of the noble lords opposite; he believed the members of his Majesty's cabinet were possessed of great experience, and understood pretty well the nature and constitution of noble lords (a laugh). Still he thought, that, as a skilful practitioner, who understood the constitution of his patient, when he altered his diet, would furnish something like a reason for it; so ministers ought to satisfy their patients as to the change they now made in their treatment. The noble earl (Malmesbury) wished



for an inquiry: but an inquiry would last for a year. The house knew enough of inquiries from one which had taken place elsewhere. And who were the persons who stood up for inquiry?—the friends of the corn laws.—He thought that after the changes which had taken place during eleven years—after the experience we had gained in that space of time—after the alteration in the currency, and other material changes, it was mere drivelling to say that the corn laws required no change. The freedom of the corn trade was necessary to the prosperity of our manufactures. Every quarter of corn imported from abroad purchased British manufactures of equal value. Unless foreign corn was admitted into this country, our own commodities could not be purchased by foreigners. No steady system of prices could be hoped for until the scheme of our corn laws was altered, and our prices of grain assimilated more nearly to those of the continent.

The Earl of *Caernarvon* considered the whole policy of ministers upon the present question to have been vacillating and unintelligible. For the "possibility" of failing crops, to which they adverted, when was it that such "possibility" would not be capable of being made an argument? The true secret of the change in ministers' opinions—and they might as well speak openly and say so—was the partial tumults which had taken place in the country; and though no one could be disposed to feel more for the distresses of the unemployed manufacturers than he did, yet it would be just as reasonable to try to alleviate that distress by breaking the power-looms, as by altering the corn laws. Ministers did not act openly, in refusing to connect that with their motion which was known to be connected with their motives; and what was still more, they were taking a course which could afford the distressed parties no relief. It was said by some that if this measure would not relieve the manufacturers, it would conciliate them—that it would remove a load of public odium from the shoulders of the agriculturists: what was this but to say that it was a popular humbug? He desired to purchase no such popularity. If the measure now proposed was carried, the effect would be to throw the whole country into confusion. The value of all property—instead of giving men a fixed beacon which all might look to—would be entirely in the hands of ministers. No transfer could take place—no dealing;—what surveyor would venture to value—what farmer to take a lease—or what landlord could expect to sell one, under such a system? His decided opinion was against the present measure.

Lord *Dudley and Ward* said, that if he were governed by the dislike which he felt to the corn laws, he should certainly oppose the measure brought forward by ministers; because he was sure that it was only by the aid of occasional alterations that those laws could possibly continue. It would be well for noble lords, however, to consider in what condition Government would be left by a refusal of the power which it now demanded. It would be a very different state of things, the not having provided such a power, and the having asked for it and been refused. Suppose the most serious scarcity, and consequent distress, to arise? All that ministers could say would be, that parliament had refused to interfere, and that they could not presume to do it. Government would

stand in this curious predicament; it might call out the troops—proclaim martial law—and fire upon the populace, or leave them to die of starvation; but it must not take the very course which would at once put an end to the danger; it must not let in corn to save a starving, and perhaps insurgent, people. In such circumstances, he trusted that the *salus populi* would always be superior to every other consideration. He hoped, that should such pressure arise, ministers would spurn all barriers, and do, at all hazards, that which seemed to them to be for the advantage of the country. But he would ask the house this,—must not ministers be disposed to hold out longer than they would otherwise have done, to let the mischief go further before they ventured to apply the remedy to it—under the circumstances of having consulted parliament, and been met with a negative, than they would have been if no application had been made? For the sake of the cause which the agriculturists themselves supported, he hoped that parliament would run no such dangerous risk. Ill as he thought of the corn laws, he did not wish to see them swept away on the sudden; and he was convinced that, in case any difficulty did occur during the period of dissolution, it would be impossible, in the excited state of public feeling necessarily attendant upon such a state of things, to come coolly and deliberately to their consideration in the next session. For these reasons he should oppose the resolution.

The Earl of *Liverpool*:—If noble lords meant to say, that because he (Lord *Liverpool*) thought the corn bill, which had passed in 1815, was not now applicable to the circumstances of the country—if, because he thought that measure required alteration in 1822, and that the measure of 1822 was not adapted to present circumstances, he had changed his opinions—he would admit it. The question was in its nature variable, and it was not in the power of parliament to fix it by permanent enactments. If it were true that the circumstances of the country were now very different from what they were in 1815, when they had fixed the importation price at 80s.; if it were true, that since 1815, twenty-seven millions of taxes had been reduced; if the property tax had been abolished; if the tax on horses, the tax on houses, and several other taxes, which pressed heavy on the agricultural interest, were repealed, could any gentleman say, that 60s. or 65s. was not now as adequate a price, as 80s. was in 1815? and would any person say that the law of 1815 was applicable to 1826? He thought it was not; and if noble lords called this changing his opinion, he must acknowledge the charge. Having said thus much, he would only observe, that though he thought the corn laws should be altered, he had declared again and again, that the measures now under consideration in the other house had nothing to do with these laws; nay, he would say that those who wished those laws to be permanent, must think one of these measures, as they had thought a similar measure last session, would tend to give stability to them, and would be rather a security than an injury. He had, early in the present session, stated with perfect good faith, that he thought the present period unfit to go into the question of the corn laws; that opinion he still entertained; and it was chiefly on that account that he objected to the present motion, because if it should be carried it would be absolutely necessary to go into the question: he wished the measures which were now in con-



temptation for the relief of the distress to stand upon their own merits; and he desired their lordships, before they adopted a course which would at once prevent any investigation into their policy, to see how they would be sent up from the Commons, and then they might dispose of them as they appeared to deserve. Noble lords asked, where was the necessity for these propositions? The necessity was to be found in the condition of the country; the time, the circumstances, the aspect of the harvest; the consequences which might follow if Government were unprepared for the difficulties they might have to encounter: all these things, while they stimulated Government to persist in the course they had proposed, offered at the same time an unanswerable proof of the necessity which noble lords seemed to require before they could satisfy themselves to grant the powers which were demanded. He must admit that the distress in the manufacturing districts had increased until it had arrived at an almost unprecedented height, and assumed so serious an appearance, that it became at last imperatively incumbent on the Government to see if some specific remedy could not be devised for its alleviation, or at any rate to prevent its spreading wider. Now he by no means thought the high price of corn was the origin of the present distress: he considered that the present calamities had arisen from over-trading, and an abuse of the prosperity which the country had lately enjoyed. But at the same time it would be absurd to say that the high price of provisions was no addition to the evil. Every one who had examined this matter must have ascertained that this country grew scarcely sufficient corn for its own consumption. There certainly were shades of difference in the opinion of individuals on this point; but it was admitted by all, that England, Scotland, and Ireland, grew very little more corn than what they could consume themselves, even when there was a prosperous crop and a favourable harvest. If such, then, were the case, what would be likely to occur, if there should happen to be an unfavourable harvest? We were not without sad experience on this subject. If the accounts of the various harvests for a period of 32 years, commencing in 1791, and ending in 1822, were examined, it would be found that there had been eleven defective harvests. There was no trusting to first appearances or fair prospects in this matter: a single week, nay, a single day might blast the fairest hopes, and turn an apparent abundance into scarcity. He himself recollected an instance. In June 1816, there was every prospect of a most abundant harvest, when one single day entirely destroyed this prospect, and caused an excessive scarcity: so that the price of corn rose from 53s. to 100s. and 110s. per quarter. If such a calamity were to occur, in the existing state of the country, what terrible consequences might be apprehended? In the first place the ports could not open until the 14th of August, and even then, if the averages should happen to be against us, we should have to wait three months longer until the 14th of November. This was the case in 1816. There was no evil which would bear any comparison with this: it operated as a most enormous tax upon the community, and especially upon the lower orders. But, it would be said, this evil might not happen; and why should this power be required now more than in any other year? He would

make no scruple in saying that he did consider it a defect, and a very great one, in the present system, that it should require such a power to be lodged any where at any time, in order to correct the evils which might otherwise arise from it; but he conceived this power was peculiarly called for at present under the existing circumstances.—It had been urged against this measure, that people wanted work, not bread: yes, they did want work, but they wanted wages too. Did noble lords recollect that those who in other times earned eighteen or twenty shillings a week, could now scarcely obtain, with the most indefatigable exertion, six or seven shillings? Let them but reflect upon the state of the manufacturing population, with a descending rate of wages and a rising price of bread. When they allowed themselves to recollect, that famine, in all times an evil, was to be aggravated probably by the total stagnation of commerce, producing low wages and destroying all demand for labour—then they wanted not only work, but they wanted bread too at the lowest possible price at which the prudent regulations of the Government might enable them to procure it.—When he explained what the present state of the country actually was, and what it was considered the duty of the Government to guard against as a probable consequence from that state, and when he asked for a power which it was as unusual for that house to give, as it was irksome for the Government to receive; he was asked, if we grant you this power, what security have we that you will not wantonly use it to the injury of the landed proprietors? The question was not to be tried by the confidence which they would repose in one administration or another; for they must repose, under such circumstances, the same confidence in what they might consider the very best as well as the very worst of administrations. They were not, he repeated, to try the question of confidence by the character of the ministry, but by what they considered to be most conducive to the interests of the country (hear, hear).—A noble lord (Ellenborough) had insinuated a suspicion that these were not his (Lord Liverpool's) measures. Now, he begged to say, most distinctly, that if any man was more culpable than another, with regard to bringing forward these propositions, he was that man; and he was ready to claim his full share of all the odium which might attach to them. He could not look at the probability of such a state of affairs in the country, as he had endeavoured to paint to their lordships, without coming to one of two determinations—either to do the best they could under their present circumstances, by entering into a detailed inquiry upon the subject of the corn trade, and by that means to effect some general and permanent alteration of the corn laws—a measure to which he still at the present moment saw great objections; or to adopt some temporary expedient which might enable them to adjourn the consideration of the question till a more favourable time in the succeeding session of parliament.—Before he concluded, he wished to answer an observation of a noble earl, who had accused ministers of bargaining away the trade of the country, for the purpose of carrying into execution some visionary and theoretical views upon the subject of trade. Now, in the negotiations with the different powers who had felt it their interest to accept the benefits of a system of reciprocity, and among others with Prussia, the country



most feared by the agricultural interests, there undoubtedly had been, very naturally, a wish to enter into a bargain for the admission of corn, which was with her an important export, into the ports of this country; but so far from ministers sanctioning any such proposal, or displaying any disposition to enter into a compact which would have the effect of committing them upon the subject of the corn laws, he would read to their lordships an extract from an answer of Government to that proposition, to be found in the papers connected with the negotiations, the whole of which he would not hesitate to produce; in which they distinctly refused to encourage any such proposal for a moment. The extract was this—"The tendency of the proposition now submitted to the undersigned is of such a nature, that he feels convinced the Government of his Britannic Majesty never could entertain it for a moment. Any proposal for altering the corn laws of the country—laws so closely connected with the welfare of all the other branches of our commerce and manufactures, must be decided by circumstances arising within the British dominions, under authority and with the consent of those immediately interested in them." Their lordships would see that this paper, dated Feb. last, established the sincerity of the professions of ministers, with respect to the protection which they held necessary for the agriculturists, and how solemnly and sacredly they adhered to their declaration in the most important treaties, when they not only refused to barter one iota of that protection, but even to permit it to be made a matter of contingent negotiation. He hoped he had freed himself from all imputation upon that head, and that even the most decided enemies of all legislation on the corn laws could not now accuse him of any disposition to refuse the agriculturists a fair protection; that protection, however, he hoped to see fair, just, and reasonable, and he trusted, that when they ultimately came to that arrangement, which they must come to at last, and which the present measure would render more secure and satisfactory, that they would obtain a law as permanent as such a measure could be, and one which would prove agreeable to all parties, agricultural and manufacturing.—The noble lord concluded by saying, that the present regulations were devised under special circumstances to meet a special emergency. They might never be called into action; but the discretionary power was demanded under the prospect of circumstances, which rendered it as painful to the feelings of the Government to be refused, as it was onerous to them to accept it; and he could only say, that if their lordships persisted in that refusal, on their heads would rest all the responsibility and all the consequences (cheers).

The Marquis of Lansdowne said, that either the noble earl intended by these regulations to effect an indirect, though nominally, a temporary alteration in the corn laws; or there existed apprehensions in the mind of the noble earl, the grounds of which he had not stated fully to the house. He thought, however, that it would be much better that ministers should act on their own responsibility in case the anticipated emergency should occur, than that they should call on the house to legislate on this subject in the dark, without being made acquainted with the circumstances which rendered it necessary. It seemed to him that all

the arguments which had been adduced by the noble earl in favour of this power being lodged with Government, would apply to any other time quite as well as to the present; or in fact that they might be advanced as reasons why this, instead of being a mere temporary measure, should become a permanent law. Indeed, the inconvenience in the latter case would be much less than in the former; for then every farmer would take his farm with a view to such a law. From some artificial system respecting the corn laws, it was not possible for us to escape. Every thing must, in the present state of society, be artificial, and in taking the protection of such a system, we must submit to the inconveniences resulting from it: but he would tell them that such a system was better far than that which it was wished should supersede it. There might be a system bad in itself, but he could tell them one which was much worse, and that was an unsettled system—varying with accidental circumstances, adopting the views of one party to-day, and of another to-morrow—altering all ideas of expenditure and all outlay of capital, and unhinging and overturning all the plans and speculations of private life and public commerce (hear, hear). Was it not enough that the agriculturist was subjected to the winds of Heaven? Was it not enough that he was influenced by the rain and the sunshine, but they must also make him subservient to the rain and sunshine of political events, or party squabbles (hear, hear)? He was an advocate for a permanent system—for a permanency which was even then within their reach—and he looked with the more hostility at these measures, that they did not pretend to settle any thing advantageous; but, after producing effects upon prices and upon agricultural property, hardly to be conceived, they would allow them to come back again to the place from whence they set out, with the mischief they might carry along with them, without having any justification from policy or necessity. Nothing, therefore, could be, in his opinion, wiser, than to leave the power and the responsibility where it could be exercised and accounted for, and avoid giving a consent to any measure which affected the corn trade, until they came to determine upon that definitive regulation, which, he trusted, would not be much longer delayed. When the noble earl attempted to point out to them the consequences of a famine in the country, and the necessity of guarding against such a frightful evil, did he think that they had lived, or were about to live without a Government in the country? He would say that no man deserved to be entrusted with power, who would not, on the slightest appearance of the approach of a famine, be prepared to avert its consequences, by taking all the responsibility of the most energetic measures (hear, hear). The transactions of the year 1766 had been misstated in a most extraordinary manner. What was the blame really imputed to Lord Chatham and Lord Camden at that time? It was not that they had no claim to indemnity, but that they claimed a dispensing power, and refused to acknowledge that they had exceeded the just bounds of their authority. The great men of that day thought that recourse ought to have been had to the constitutional advice of parliament; the answer was then that there was not time, but how little could it apply now? Then parliament could not be called together in less than 40 days, and now, by the



alteration of the law, it could be brought together even in 14 days. The noble earl had talked of the possibility of a rise to 120 and even to 130s. but could it be imagined that such an alteration could take place in prices before parliament might be brought together? or would it not be more reconcileable to policy and to precedent, to leave the Government to provide for such an emergency in the ordinary method, than to determine to take a course upon an uncertain contingency, which operated most prejudicially upon the whole of the agricultural interests? Nothing, indeed, could be worse than to reason before-hand upon any thing connected with subsistence, and thereby incur all the risk which attended a rise in the price of grain in consequence of these operations; for until the alarm was sounded by ministers there and elsewhere, he would venture to say that no man ever thought of there being any probability of the evils they predicted (hear, hear). It was in vain to say that this measure was not intended to affect the question of the corn laws; people would not credit it: it unavoidably created a very extraordinary excitement. He felt convinced that, under the responsibility he had mentioned, the country might proceed safely until the next session of parliament. As the question had been generally disclaimed, he would not enter into any argument respecting the corn laws; but he felt persuaded that the opposition of interests, which was at present supposed to exist between the agriculturists and the manufacturers, would gradually disappear; and that each party would, at last, become convinced that it would be impossible to establish any permanent system which could be injurious to one without also at the same time being prejudicial to the other. If the legislature should be composed either wholly of agriculturists or wholly of manufacturers, and it should wickedly endeavour to fix an unequal burden upon the other class, he had no doubt but that it would at last find the burden to fall on its own shoulders. Indeed, both these interests had, and necessarily must have, the same common object; and he trusted that when parliament next met, a final arrangement, founded on fair and equitable principles, would be made in this respect (hear, hear).

The house then divided, when the numbers were—For the motion, Contents, (proxies 18) 67—Non-contents, (proxies 70) 166—Majority against the motion, 99.

**COMMONS.**—On the question that the Importation of Corn bill be read a second time,

Sir T. Lethbridge said, that he must continue to oppose the bill: first, because it was a covert invasion of the corn laws; and, next, because no sufficient grounds for it had been alleged by ministers.

Sir W. Wynn said, that considering this merely as a temporary measure, and believing that it would evince to the manufacturers the kindly feelings which parliament entertained for their distress, he would vote for the second reading; but he would reserve himself as to the details of the measure, until the bill should be in the committee.

Col. Wood, thinking that the general question would lose much in the opinion of the country by frequent divisions on this bill, would vote for the second reading. He would, however, propose in the committee, that foreign corn should be imported, with a duty of 65s. This he

thought would satisfy the country, and be a most important alteration in the corn laws.

Mr. Bankes said, that notwithstanding the alterations that had been made in the measure, he still thought it extremely objectionable. This was no fit moment for the agitation of the corn laws. What, he would ask, had occurred since the 18th of April, when the house decided not to agitate that question? Ministers had at that time no apprehension of a scarcity; but the rt. hon. gent. (Mr. Canning) had brought an easterly wind to their assistance—

“Et conjurati veniunt ad classica venti.”

What did ministers expect from this measure? In what degree did they expect that the liberation of the bonded corn would lower prices? Was it 8s. or 10s. per quarter? If it were lowered 10s. or even 20s. per quarter, would it afford any relief to the manufacturing districts? If it would not, how could they lend themselves to a delusion so perilous, as the present was, in every respect? Did they not see that those who were without money, and without employment, could not buy corn at any rate whatever; and then how were those unfortunate individuals to be benefited by the present measures? Let ministers answer this question plainly, and not talk about such solemn nonsense as their “moral effect” (hear, hear).—He had another great objection with regard to time—

“Probitas laudatur et alget,”

was an observation of some antiquity, and had been verified in the present instance. Whilst the people were quiet, no aid had been administered to their distress; but as soon as they grew riotous, measures were devised for their relief.—On these grounds he retained all the objections which he had originally felt to this proposition. He gave credit to ministers for the alterations which they had made in it—but he was convinced that whatever was founded in deception and delusion must end in frustration and disappointment. He should therefore move that the bill be read a second time “this day month.”

The Chancellor of the Exchequer said, that the first objection of the hon. member (Mr. Bankes) was, that Government had acted with inconsistency in proposing this measure at all. Now that might be a good argument against the Government—but it was no argument against the measure. The hon. member had also told them that this measure would confer no benefit on the distressed manufacturing districts. Ministers did not pretend that it would be a panacea: it would not cure evils which had no more their origin in the corn laws than they had in any road bill; but would any body pretend to say, that when thousands of our population were starving, or at least were only saved from starvation by the poor laws or by voluntary contributions, that the price of corn had nothing to do with the means of obtaining subsistence for them? The hon. member had talked of these measures having been adopted by ministers through fear. He had admired the patience with which the distressed manufacturers had endured their sufferings; and when it was found that they had been driven to commit some outrages from the excess of those sufferings—for it was excess of suffering, and not political disaffection, which had led them astray—it would have been the extremity of fear on the part of the Go-



verment if it had abstained from proposing any plan of relief for those sufferings merely because some individuals had been driven by their distress from that forbearance which it was the duty of all men to shew to the property of others (loud cheering). The course which Government had taken, in order to suppress the outrages which had occurred in the manufacturing districts, proved that they were not under the influence of fear; for, on the first appearance of them, they had poured into those districts a body of troops sufficient to protect all good and terrify all ill-disposed persons. He was sure, therefore, that nobody who rightly considered the matter would attribute the concessions which Government were inclined to make to the suffering subjects of his Majesty, to a timid policy. The hon. member had desired ministers not to talk about the solemn nonsense of "moral effect." Who had used the phrase he did not know, but if the effect of the measure were to soften any exasperation of feeling which existed in the manufacturing districts, if it tended to prevent agitators from turning that exasperation to any political purpose, he should not be inclined to shrink from the phrase; on the contrary, he was prepared to contend that Government would not be acting wrongly in consulting the feelings of those with whose interests it was charged (hear, hear). Why the hostility of the landlords should be so strongly directed against this measure, he could not well understand, for he believed no measure was better calculated to promote their interests. The country gentlemen could not take a course more calculated to prejudice themselves on any future consideration of the corn laws.

Lord Clifton hoped this measure would be merely temporary, but confessed that he felt himself bound, in the choice of evils which were before him, to vote with ministers. So far was he from thinking that there was any "solemn nonsense" in the "moral effect" which this measure was described as likely to produce, that it was on account of that very "moral effect" that he voted for it. If it tended in any degree to satisfy the public mind, it was at any rate one advantage gained.

Mr. Bennett declared the cause of the existing distress to be the recent tampering with the currency, and not the corn laws. The relief which this measure professed to give to the manufacturers would be quite inefficient, if it were not attended by a paper currency. Besides, the effect of this measure must be either to reduce the market price of corn or not. If it did not reduce it, it would not benefit the manufacturers: if it did, it would involve the agriculturists in distress, and thus would ultimately prove destructive to the manufacturing interests by annihilating the home market, which was infinitely more valuable to them than the foreign.

Mr. Stanley gave notice that, in the committee on the Warehoused Corn bill, he would move the introduction of a clause, empowering the local committees for the relief of the distressed manufacturers, on producing a certificate that they had purchased corn in bond for distribution, to recover the amount of duty from the treasury.

Lord Milton observed, that they who supposed that this measure could get through the house without bringing on a discussion of the corn laws, would find themselves mistaken. The very proposition of the measure was a distinct proclamation by Government that the

corn laws were incapable of being retained as a permanent system—that they were only fitted for fair weather, and that as soon as the storm arose they must always be reconsidered. He was not absurd enough to suppose that the corn laws were the sole cause of the distress, but he had no hesitation in saying that in one respect they had a great effect in producing it, and that was in the interruption which they gave to the commerce of our manufacturers with foreign countries. Hon. gents. might depend upon it, that the corn laws would be settled in one way or another before long: in his opinion they could only be settled in one way; and that was upon the principles of free trade. With respect to the measure before the house, he did not think that it would be of any effect; neither did he suppose that ministers thought that it would be of any effect, except in preventing an aggravation of the existing distress (hear, hear). Ministers must, however, give him leave to say, that the time at which they had proposed this measure, had led, in certain quarters, to the opinion, that they had other views than those which they professed in proposing it. He was bound in justice to say that he did not entertain such an opinion—he gave ministers credit for the views which they professed to entertain—although it would give him great pleasure to know that the present measure would not be merely temporary. In whatever view this question was taken, it resolved itself at last into the amount of the burdens which the different classes of the community bore. Now he maintained that the landed gentlemen formed that class of the community which had the least cause to complain of these burdens (hear, and cries of no). He said "yes;" for who were the chief cause, who the great instigators, who the main supporters of the late war, which had imposed such a weight of taxation on the nation, but the country gentlemen (loud cries of hear, from various quarters of the house, echoed back for some time, accompanied with cries of no, no)? He should not be put down by cries of "no, no." He said "aye, aye," and he defied hon. members to prove that he was incorrect (cheers). The country gentlemen were the cause—the instigators, and the promoters of the late war. He did not say that in so doing they had acted wrongly—he knew that members of his own family had supported it as strongly as any persons; but he repeated that it was the country gentlemen, who had pledged themselves to expend life and fortune in support of that war. What was the case now? When the fortune became really affected—he said nothing of the life—by the diminution of two shillings or even one shilling in the rent of the acre, they declared that they had already paid for the war in the shape of direct taxes, and ought not to suffer any further diminution of their income. Now he could shew that the corn laws, which were the creature of the war, added 10s. to the price of every quarter of wheat grown in this country; and as the consumption of the country amounted to 14,000,000 or 15,000,000 annually, they inflicted an annual tax of 7,000,000l. on the people of England, for the benefit of the landowners and of the landowners alone (hear, hear). Let the landowners controvert that position if they could; and when they could, then, but not till then, they might say that they had expended their fortunes in support of the war (hear, hear). The plain fact was, and it was impossible to disguise it, that they had raised



their fortunes instead of having spent them in the war, and they now endeavoured by the operation of the corn laws to keep up the high prices which they had contrived to get during the period (hear, hear). It was not, however, that view of the question that he considered the corn laws most impolitic. Their great mischief was in their acting as a non-intercourse bill with other countries. He would gladly support any measure that was calculated to remove the fetters which they imposed upon the country, and conceiving that the present measure would have that effect, he gladly gave it his support (cheers).

Mr. Peel regretted that the noble lord had made a speech, which, with whatever good humour it might have been delivered, was calculated to interrupt the temperate course in which the debate had hitherto proceeded. An opportunity had been taken by the noble lord to involve the house in an important discussion, which, however fit for consideration on another occasion, was certainly rather ill-timed on the present (cheers, with cries of no, no). When he heard it preferred as a charge against the country gentlemen that they had supported the Government with life and fortune in the last war, he must be permitted to say that they had right to look back at their conduct with pride and satisfaction, and to exult in the glory which it had reflected on the country (cheers).

The noble lord had said that the country gentlemen were opposed to the reduction of rents; if they were at this moment in possession of high rents: whereas it was a notorious fact, that rents at this moment were not high, and that it was not more than three years since the agricultural interest was involved in the severest distress. During the whole of the time since, corn had never borne an exorbitant price, and the landlords were now only beginning to recover from the great depression under which they suffered in 1821.—He would not enter at any length into the question then before the house; if he wished to say one word on an hon. member's (Mr. Stanley's) proposition, that the duty could be remitted on the liberated bonded corn, if it were purchased by the local committees. He would not at that moment enter into the question, whether it was fitting that it should be given to the distressed manufacturers; but if public aid were to be given, he would rather that it were granted directly than indirectly. His first objection, however, to the proposition was, that there would be the most difficulty in carrying it into effect. His second was, that it would give a preference to one district in the neighbourhood of the warehouses; and his third, that it would give a premium to the holders of bonded corn over the free growers, which he did not wish to extend to them (hear, hear). Besides, if it was adopted on this occasion, it would form a precedent for any future occasion.—The rt. hon. gent. proceeded to say, that he had never given a vote with a stronger conviction that it was for the interest of the whole community, and more particularly of the agricultural classes, than that which he was about to give, and then repeated the general defence of the measures which ministers had advanced during the discussion.

Mr. H. Sumner next addressed the house, amidst incessant noise and confusion.—He said, that his objection to the bill was, that no case of necessity had been made out from the existing state of the market. It had been said by

the supporters of the bill, that it was not the amount of the price, but its invariability, which they looked to. Now, for the last seven years, the price had been free from any great variations; but the introduction of the corn in bond was likely to produce a greater fluctuation than any which the market had recently witnessed. He contended likewise, that if the price of corn was further reduced than it was at present, the farmer would not be adequately remunerated (great impatience). He maintained that the landed interest had done themselves immortal honour in voting for the last war, to which they were not led by any consideration of any paltry interests of their own, but by the willing and unanimous voice of the nation. He contended, in opposition to the noble lord (Milton), that there was not a single member in that house whose rents were not at this moment 30 per cent. lower than they were during the war. There were no gentlemen who had a more national character than the landlords, or who more deeply sympathized with the distresses of the community.

Mr. Wharton felt bound, as a country gentleman, to observe, that he had opposed the late war from the outset—that he had supported every motion for terminating it, and that, whatever the consequences of that war might be, he held himself innocent of them (hear, hear).

The house then divided.—For the second reading, 189—Against it, 65—Majority in favour of the second reading, 124.

FRIDAY, MAY 12.—The house having resolved itself into a committee on the Importation of Corn bill,

Colonel Wood said, that he should prefer that the power of importation should not be unlimited, provided importation were not permitted until the average price was 65s.; but he would not move it as an amendment, as it appeared not to be the general wish.

Lord Milton was glad to find his hon. friend would not move his amendment, as it would have led to some discussion; but it seemed that this declining of the combat at present was made with a view of renewing it at some other time, when it might be fought to more advantage. He (Lord Milton) did not wish to be enrolled in the ranks of those who contended for the average of 65s.; because, when it was taken into consideration what a great weight of taxation had been taken off since the period when the corn laws passed, he looked upon 65s. as a greater remuneration now than 80s. were then.

Mr. Calcraft, after stating that there were many country gentlemen whose feelings were wounded by the course adopted by the noble lord, proceeded to defend the landed interest from his taunting attacks. The corn laws were introduced more with a view of promoting the production of corn in the country than of putting money into the pockets of landlords. He was himself an advocate for a free-trade in corn—that was, with a protecting duty. Any other species of free-trade would be impossible in this country, on account of the 63,000,000l. of taxes to which it was liable.

Lord Milton disclaimed any intention to wound the feelings of any gentlemen in the house, but maintained that no class of men had a right to hold themselves above all observa-



tions on their conduct. In reply to the remark, that the corn laws were intended to promote the production of corn rather than the benefit of the landlord, he referred to the publications in defence of the views of the landed interest, which one and all stated that the corn laws were enacted, and ought to be continued, for the benefit of that interest. He confessed that he had formerly entertained different opinions from those which he now held on this subject. He recollected that the first time he opened his mouth on it in the house, he had stated that it was necessary to the independence of the country that all the food of its population should be raised within itself. Of the fallacy of that opinion he was now convinced, and he had consequently abandoned it, and with it the corn laws. If his hon. friend (Mr. Calcraft) thought that all the food of our population should be produced in the country, then he ought to have such an importation price as would amount to a prohibition: but if his hon. friend did not entertain such an idea, then he abandoned the only argument on which the corn laws rested. He was told, however, upon all occasions, that it was necessary that the landed interest should have a remunerating price. Now, what did a remunerating price mean? Ample rents to the landlords, and ample profits to the farmers (no, no). Then, what did it mean? By a remunerating price, he repeated, was meant, that ample profit should be secured to the farmer on the outlay of his capital. Now that evidently depended on the amount of his rent. The whole question referred to the advantage of the farmers and landowners, or rather of the landowners entirely. A remunerating price, let it be considered as it might, resolved itself into the attainment of ample rents (hear, hear).

Mr. N. Calvert strongly objected to the conduct of the noble lord, for encouraging the cry which had recently been raised against the landed interest.

Mr. Calcraft wished to remind his noble friend, that if no class were so high as to be above the reach of observation, there was no class so low as not to be entitled to defend itself from attack. He would tell the noble lord what a remunerating price was:—it was 3 per cent. on the money vested in land, and 5 per cent. on the capital expended upon it. Surely that was not an extravagant rate of remuneration.—After a few other remarks, the house resumed, and the report was ordered to be received on Wednesday next.

The order of the day was then read, that the house resolve itself into a committee on the Warehoused Corn bill.

On the question that the Speaker do leave the chair,

Mr. Bennett moved that the house resolve itself into a committee, on the 3d Geo. IV. c. 60, for the purpose of raising the duty from 12s. to 17s. per quarter on warehoused corn. He contended that the difference between the two rates of duty, which would amount to 75,000*l.*, would all go into the pockets of gambling speculators, if some such measure were not adopted.

Mr. Portman seconded the motion.

Mr. Huskisson said, that 12s. a quarter was the duty contemplated by the corn laws on corn of this description.—He contended that the parties who held the bonded corn, did not deserve the title of gambling speculators, which

had been applied to them. They had vested their capital, like other merchants, in a commodity which seemed likely to yield them a fair return.

Mr. Baring said, that if there were the slightest chance that any farthing of the difference between 12s. and 15s. would go to the benefit of the distressed manufacturers, he should have no hesitation in voting for that rate of duty; but as he believed that 3s. per quarter would merely be put into the pockets of the corn-dealers,—a respectable set of men, but a class whose gains he was not absolutely desirous to increase by legislation—he certainly should prefer a duty of 15s. Taking the price of the corn in bond at Liverpool to have been 32s., as it was said to have been, the 12s. duty would raise it to 44s. Now a further addition of 3s. would still leave a large room for profit to speculators, between the 47s. and the price of corn at present; and if the sum which that additional duty would supply could be put into the Exchequer without the public suffering by it, it would be better that that course should be pursued.

Mr. Ellice thought that a great deal of the corn in bond was of so inferior a description, that 12s. duty was as much as it could bear.—He fully agreed in the propriety of postponing the consideration of the corn laws. Until the operation of our late measures with respect to the currency was seen, legislating upon the corn laws would only be legislating in the dark—an observation in which

Mr. Monck agreed.

Mr. Bennett's amendment being negatived, the house went into a committee.

Mr. Chaplin did not understand why the oats in bond were to be admitted as well as the wheat. The manufacturers did not want the oats.

Mr. Huskisson said, that a vast quantity of the relief which had been given in the distressed districts, had been given in the shape of oatmeal.

Mr. Stanley proposed an amendment, the adoption of which would promote the object of the measure—the giving effectual relief, and also reconcile, in a great degree, the landed interest to the measure itself. The amount of relief to be afforded by it, it was true, was small; but that was a reason why they should render it as effective as possible. For this purpose, he thought it would be right to localize the relief to those districts where relief was required. As it at present stood, it extended to counties where distress did not prevail. The amendment was—“That on a certificate by three members of a local committee, stating that bonded corn, with a specification of the quantity, had been distributed for the relief of persons in the distressed districts, the lords of the treasury be empowered to remit the whole of the duty thereon; the duty to be applied to the relief of those districts, where it might be wanted.”

Mr. Huskisson:—There were other parts of the country besides Lancashire which felt the pressure—Shropshire, Warwickshire, Somersetshire, Gloucestershire, Nottinghamshire, the whole of the west, and great part of the north-east coast of Scotland, which ought properly to be called manufacturing districts: and although it would be necessary, it would be very difficult to extend to them the relief which the hon. member's measure was meant to afford.



If any such power should be given to charitable committees, it must be universal; and a committee in the West of England purchasing corn in their own markets, would be as well entitled to the allowance as the purchasers of that which was under bond. The measure, too, would interfere with the poor-rates, and it would be impossible to put it into practice without an inquiry into the relative proportions which certain districts bore in this respect to others. At Manchester the poor-rates were considerably less than in many other places where similar distress prevailed. In Sussex, where there was nothing like manufactures, but where distress prevailed in consequence of excess in the agricultural population, the poor-rates were four times as much in amount as in any part of Lancashire. He was reluctant to acquiesce in any change in the system of the poor-laws, because, objectionable as they might be, and subject as they were to abuses of various kinds, it was better to trust to a system which had been tried, than to hazard an experiment objectionable in its principle, and, he believed, difficult, if not impossible, in practice.

Sir John Wrottesley expressed his conviction that if the currency had not been interfered with, the present distress would not have existed. He was sure that if an immediate return to the former system were not adopted, greater and more general distress would be felt.

Mr. Peel opposed the clause, on the ground that it was likely to afford opportunities for numerous frauds, and that it would not reach the distress of the interior of the country, without doing, at the same time, considerable mischief. He objected also on the ground, that if any public aid should be granted, it would afford a precedent which would always be resorted to, and the amount of the tax on corn would always be looked to as a fund for relieving any temporary distress.

Mr. Stanley withdrew his clause.

The report was ordered to be brought up on Wednesday next.

WEDNESDAY, MAY 17.—On the order of the day for bringing up the report on the Importation of Corn bill,

Sir T. Lethbridge said, he did not rise for the purpose of offering any further opposition to the measure, which would be both useless and vexatious; and he must, therefore, submit to the superior wisdom of Government, supported by a large, a most respectable, and most powerful majority of that house; and he might add, which had been supported by a majority equally strong in another house. But he took his opportunity of calling for a pledge from Government, that nothing which had been done respecting this measure—to meet an emergency, as it had been called—should be considered as pledging either this or the other house towards supporting any proposition respecting the corn laws; a question, he understood, which was to be fully adjusted in the next session of parliament (hear, hear). He wished now to enter his solemn protest against any thing that had been done being taken to affect the measure on a future occasion, and he did this in spite of all the intimidations he had received from quarters which he despised from the very bottom of his heart, and which intimidations he now had been sent to him in order to stop the honest expression of his opinions, which he had

presumed to utter in the full discharge of the duty which he owed the country at large. No degree of intimidation, however gross, personal, or dangerous it might be, could ever deter him from the discharge of his conscientious duty (cheers). He was, therefore, the more earnest in entering this solemn protest, from his having been personally insulted by persons, whose menaces he had treated with the most profound contempt (cheers). He therefore hoped the Government would give such a pledge; and, as the parliament had thrown the responsibility on them, he trusted they would use their power with discretion, in the event of the contingency occurring which they contemplated.

The Chancellor of the Exchequer said, he could have no sort of hesitation in declaring, that it would be the shabbiest conduct which any Government had ever pursued, if they departed one single iota from the pledge, which he would now repeat, that nothing which had taken place ought or could be taken to prejudice the decision of the house as to the main question of the corn laws (hear, hear). With respect to the intimidation alluded to by the hon. bart., it was quite consistent with his character to treat it with the contempt it deserved (hear, hear).

Mr. H. Sumner concurred in the general measures of Government, because he considered them characterized by wisdom and candour; but the present measure he considered unwise and uncalled for, and he only regretted he had not pushed his opposition further, in order that the country which he had the honour to represent might have had an opportunity to petition the house on the subject.

Sir R. Heron said, that one of the evil consequences flowing from these discussions, was to generate a belief that the interests of the agriculturists and the manufacturers were opposed; whereas, in fact, they were one and the same. If he yielded his consent to the bringing up of the report now, it was certainly most reluctantly. The landed gentlemen would have consulted their own interests by having opposed the measure in every stage, and if he saw any encouragement, he would divide the house now.

The report was then brought up, and the bill was ordered to be read a third time to-morrow, (when it passed).

The order of the day was then moved for bringing up the Warehoused Corn bill.

Sir R. Heron:—It was extraordinary that the country should be deprived of the bonus which was to go into the pockets of the holders of bonded corn, and which ought to be applied to the distresses of the people. It could not escape observation, that the greater portion of this benefit was to go to the people of Liverpool (a laugh).

Mr. Huskisson said, that if he were to act according to the spirit evinced by the hon. bart., he should say that his two speeches would almost justify a suspicion that he was about to stand for some great agricultural county. With respect to the statement of the hon. bart., he could only say, there was a larger portion of this corn in the port of London than in Liverpool; and all the property of the hon. bart. would not cover the losses which these parties would suffer, even with the duty of 12s.

After a few words from Mr. J. Bennett, the report was received, the resolutions agreed to,



and the bill ordered to be read a third time to-morrow, (when it passed).

FRIDAY, MAY 12.—Lord Milnes said, that a motion, of which hon. gent. (Mr. P. Mowbray) had given notice, "For giving a grant of Public Money for the Relief of Local Distress," not being likely to come on, he wished to ask the rt. hon. sec. (Canning) what answer ministers would have given to that motion had it come on? It was necessary that, upon a question of such vast importance, some definitive answer should be given to the country, before parliament separated.

Mr. Canning said, that he was far from saying, that, under any circumstances, it would be inexpedient on the part of Government to come forward in aid of public distresses; but he was sure that an over-ruling necessity must be made out,—a necessity for which there existed no other remedy, before they would be justified in doing so (hear, hear). He trusted that the house would go with him in thinking that such was not the case upon the present occasion (hear, hear). That great and severe distress had existed was undeniable; and that it had, generally speaking, been borne with patience and mildness, he felt it his duty thus publicly to state (hear, hear). This alone ought to lead Government to afford relief even at the expence of principle, were there no other inducement. But he perceived, in common with the house, that the stream of public and private charity had flowed bountifully to the relief of those distresses; that stream of public charity had hitherto little more than commenced its course, and he and several others knew that many were only restrained from contributing to it from the impression that Government would step forward and afford relief. Under these impressions, he felt it necessary explicitly to state, that it was not the intention of Government to propose any grant for the relief of the existing distress. He felt that any such grant would have the effect of stopping the current of public charity (hear, hear). Government had availed themselves not only of all public information, but also of the communications made to them by private individuals, who very laudably interested themselves in the sufferings of their fellow-townsmen and neighbours. From these different sources, he felt justified in stating, that the worst was past; and that, though things had by no means arrived at such a state as he could wish, yet that not only there did not prevail that over-ruling necessity, which would compel Government to sin against the rule they had laid down for themselves, but that a slow, progressive improvement was visible. The house must perceive the evil which such a precedent would give rise to, in the event of any future distress arising, and going to an extent which was more easily imagined than described (hear, hear). Let them look to the late agricultural distresses—let them consider the impossibility of giving public relief to those distresses—and then consider, whether the efforts of Government (except in cases of the last necessity) would not be productive of much evil, and of little general benefit. Ministers had considered, and very much felt for the public distresses; and the house and the country would give him credit, when he stated, that insensibility to those distresses formed no part of the character of Government (hear, hear).

LOREDS, THURSDAY, MAY 23.—The Earl of Liverpool rose to move the second reading of the Importation of Corn and Warehouse Corn bills. He had had, on the occasion of his noble friend's (Lord Malmesbury's) late resolution, such an opportunity of stating his sentiments on these bills, that it was unnecessary for him to preface his motion with any further arguments.—He might, however, observe that a bill similar to one of these had been introduced last session, and the agricultural interests had not suffered from it. If, indeed, they could exclude foreign corn at all times, and under all circumstances, and thereby establish for themselves an exclusive monopoly, they might naturally condemn any interference with their prerogative. But he believed the agriculturists were neither so unwise nor so unjust, as to dream of any such monopoly—they felt that the people were entitled to look for an importation for home consumption, when it was found necessary. When circumstances called for a temporary change, it was natural for the agriculturists to consider what measures were likely to operate least to their disadvantage. A limited importation was evidently one of this description; for while it served the country in general, it was so far from being disadvantageous to the agriculturist, that it might prove most beneficial to him. In the years 1816, 1817, and 1818, events had occurred which clearly established that fact. In 1816 the country had been visited with a defective harvest. This was known in July; and yet on the 15th of August prices remained a few shillings below 80s.; the consequence was, that the ports remained shut until the 15th of November, and when they were then opened, the winter had closed the Baltic Sea, and it was not till the beginning of the following year that any available importation arrived. Prices had risen from 53s. a quarter to 110s.; and this great rise had led to, and stimulated the most extensive speculations. The consequence was, that the market became completely glutted, and the re-action was severely felt by the agriculturists. All this would have been spared, if a moderate importation had been allowed in August; it could then have done no injury to the agriculturists, while it would have served the country generally, and averted all the ruinous speculations which followed. The system of allowing, therefore, a moderate and limited importation was the best under all circumstances for those engaged in agriculture. The present measure owed their origin to the peculiar situation in which the country had been suddenly placed; and he wished them to be judged of on their special grounds, and apart from the general question of the corn laws.

The Earl of Malmesbury said, that his objections to the second bill remained wholly unshaken. It was well known that farmers were under the necessity of preparing to meet the hay and corn harvests by the sale of their produce. At the present time these farmers would have to sell their wheat at from 6s. to 8s. a quarter less than what they would have been able to have got for it if this measure had never been agitated; and they must in consequence make up for this loss either by debarring themselves and their families of some necessities, else they must reduce the wages of the labourers. In order, therefore, to provide remedy for an emergency which might arise, the legislature were inflicting a positive



and serious injury upon the class of individuals who had mentioned.

The *Lord Chancellor* said, that he should think that the ministry were committing one of the gravest possible offences against the state if they were to propose measures calculated to injure the landed interest, for he was most fully persuaded that every other interest in the country was so interwoven with this, that all classes of the community would be sufferers by any neglect on the part of the Government to protect the agriculturists with the most fostering care; but he did not see that the present measures were likely in any way materially to affect the landed interest. With respect to the measure for letting out the bonded corn, he could see no objection to it: indeed, if corn were to advance to a certain price, the bonded corn would be brought out under the existing law. On the other bill more might be said. No one could be more averse than he was to the exercise of acts of power against the law, but under certain circumstances, the exercise of such a power might be rendered necessary: there ministers, however, could foresee that such circumstances were likely to occur, generally speaking, it would be their duty to provide against the emergency, by applying to parliament for the power of remedying it when it should occur. But this rule must be received with some qualification, for if the applying for this power, which he would term an indemnity in advance, were likely to be more mischievous than the acting without it, no doubt it would be the duty of Government to pursue the latter course, and come to parliament for an indemnity afterwards—for a tyranny in this country, whether for forty days (as Lord Camden had called the exercise of the prerogative in 1766) or one minute, could never be endured. This bill provided that his Majesty should be able to do certain acts by an order in council. This, however, did not relieve the parties who should advise these acts from any responsibility—they might still have occasion for an indemnity. As to the objection which had been urged against this measure, that it was an interference with the corn laws, it was without the slightest foundation: this bill had no connexion with those laws; and he would assert with the utmost sincerity, that if he thought it would at all affect them, nothing on earth should induce him to vote for it: for the support of the landed interest was in substance and effect, the support of the constitution of the country.

Earl Grey said, that the learned lord had styled this an indemnity in advance, and had laid it down as a principle, that where Government could see a probability of their having occasion to resort to the exercise of a power contrary to the law, it would in general be their duty, where they had an opportunity of so doing, to apply to the legislature to intrust them with such a power; and he himself would admit that if it could be clearly made out that such a necessity was likely to arise, that it might be right that Government should be armed with such a power; but the necessity ought first to be proved; indeed so clearly as to render it almost criminal in parliament to refuse placing this power in the hands of Government. But where was the necessity in the present case?—when did it arise? On the 18th of April last, although ministers then stated that

the country was in a state of great distress, they also expressly declared that any proposition which would materially tend to diminish the price of corn, would considerably aggravate the distress. No one lamented the progress of the distress more than himself, or felt more compassion for the sufferings of the misguided individuals whom it became necessary to put down by the strong arm of the law; but he must say that ministers ought, when the distress arose, to have foreseen that it might be necessary for them to have recourse to the measures they were now proposing. Most certainly their conduct in this respect had produced great evils. But at any rate, said the learned lord, these measures were not intended to affect the corn laws: but must they not necessarily have such an effect? When Government declared that they saw no means of alleviating the distress but by adopting measures for the reduction of the price of corn, what was this but holding forth an idea, that the corn laws were the cause of the calamities? Could it be possible, after this, that a cool and unprejudiced consideration of that great question could be entered upon? The landlords were held up, by these measures, as selfish and oppressive persons, who prevented the poor from having that relief which the repeal of the corn laws alone could give. He (Lord Grey) had no wish to make professions, respecting his sense of public duty; but for his own part he disclaimed any sordid or ungenerous sentiments in defending himself and his interests from those who attacked them. He would appeal to his whole life whether he had suffered views of personal interest to bias him! But he would not deny that he felt a natural anxiety to preserve that property to his family which had been handed down to him from a long line of ancestors (hear, hear). This was the feeling of their lordships generally: and although no man was more willing to make any personal sacrifice for the good of his country, he felt it was a hardship that the house should be so placed by the acts of Government, that for the part they might take in that debate, they should expose themselves to obloquy, for having openly, honestly, and fairly, proposed their opinions and defended their rights. Whatever might be the odium attached to opposing the present measure, he was prepared to encounter it. If he thought it likely to produce even any temporary relief, he would assent to it; but he was convinced the measure was illusory as regarded the present, and would be mischievous with reference to the future. Even in the course of the recent discussions, the justification of the measure had shifted its ground most peculiarly. First, parliament had been told of probable evils,—of cold winds, bleak nights, and the strong prospect of a late harvest in the present year: now the excuse dwindled down to an allegation of merely possible dangers, dangers which were no more likely to befall us in this year than in the next, or in any of the 20 years next to come. And the truth was, we had had some weather which might be unpleasant to the senses, but he was happy to say that, upon the corn crops, the cold weather had produced no effect at all. On the contrary, he gathered from the best authorities, that there was not only every prospect of a full, but of an early harvest. With respect to the stocks of corn on hand, his information was directly in the teeth



of the statements which had been made by ministers. From two friends of his, likely to be peculiarly acquainted with this fact—an hon. member (Mr. Coke), and a noble lord connected with the same county (Norfolk)—from both these hon. persons he was assured, that they had never, within their memories, known a larger stock of wheat on hand. In the county of Northumberland he was informed that things were in the same situation: there was universally a large stock of corn in the hands of the farmers and of the merchants. In Ireland, he had it from the best authority, that there was an abundance of corn in hand. With such facts before him, he was bound to say that ministers had made out no case; and the mischief which the proposed measure would do was enormous. He should have been much better pleased, and much less injury would have been done to individuals, if they had been silent until the necessity came, and then acted upon their own responsibility. Constitutionally, too, he objected to the present course—to parliament's arming ministers prospectively with a power to dispense with the laws; not to speak of the measures conveying an authority, moreover, to raise 400,000*l.* (by the duty) if it was carried into effect—after the supplies for the year were granted, and on the eve of an election. Certainly he could not consent to do all this without inquiry; and he thought the condition of the country never demanded inquiry more. Ministers had been latterly engaged in making many alterations in our commercial system, in order to increase our means of prosperity. He confessed, that as far as his judgment went, the more he saw of the new principles, the less he liked them (hear, hear). He would not attempt to dispute the pretensions of the teachers of political economy; because, in all humility, it became him to acknowledge that their doctrines were in many instances quite above his comprehension. The theory indeed was so perfect, that no sufficient objection could be stated to it in argument; but it generally happened that some little circumstance or other occurred in practice which overturned all theoretical calculation, and ended by producing some great national calamity. There was, now, ample time for inquiry; but it was to be refused on the ground of confidence in ministers. In his opinion they were not entitled to confidence. He had long disapproved of the course followed by the noble earl (Liverpool). He therefore insisted upon inquiry. He was not averse to a revision of the corn laws, and to fixing the importation average at a lower rate, or even to a general admission subject to a fixed duty, though he distinctly denied that the laws, as they stood, had done any thing, during the last six or seven years, to prejudice the country;—but he opposed, beyond any course, that uncertainty which the present measure would introduce—that constant liability to change, which would leave every man in doubt and anxiety as to his daily transactions. He had not taken part in this debate from personal considerations, though he knew not why a candid avowal of regard to private interest should not be allowed to those belonging to the land as well as to members of all the other classes. It was by the care which each class bestowed on itself, that the welfare of the whole was best promoted.—He should decidedly oppose the measure in every stage.

The Earl of *Harroby* observed, that it had been asked when it was that the new lights upon which they were acting had broken upon ministers? That was a question which, from the nature of it, it was impossible to answer. It was the accumulation of distress which had determined them finally as to the course they should follow. Hopes had been entertained that the distress would have subsided more rapidly than it had done. But it ought to be stated distinctly, that nothing like intimidation at the late disturbances had weighed with the ministry in its determination. The noble earl (Grey) had asked whether more mischief would not be done by introducing these measures, than if Government had stood still; inasmuch as that which had been proposed by ministers would have the effect of prejudging, in a certain degree, the question of the corn laws. Now, in his opinion, the noble lord, if he had not actually prejudged those laws, was at least now ready to do so than he and his noble colleagues. There were circumstances in the present state of the country which induced ministers not to stand in the way of allowing the supply of bonded corn, but it did not therefore follow that at all times foreign corn should be admitted when the price was 60*s.* For the same reason, they had acquiesced in allowing corn, to a certain extent, to be imported at a duty of 1*l.* They allowed this at the present moment; but they were not prejudging the price, prospectively, at which corn might hereafter be admitted. In acquiescing in these measures, the only object of ministers was to afford present relief. But the noble earl contended, that those measures would produce no relief. Why, by the first measure, a certain relief, to the extent of 300,000 quarters, would be given; and by the second, a relief, probably, to the extent of 500,000 quarters. Whether the relief which they would effect would be sufficient or not, he could not say; but if the pressure grew more severe, recourse must be again had to Parliament.

The Earl of *Lauderdale*:—Before he proceeded to investigate the subject, he requested that the two first paragraphs of his majesty's speech on the 3d of Feb. 1825, should be read.

[The paragraphs were read as follows:]

"We are commanded by his Majesty to express to you the gratification which his Majesty derives from the continuance and progressive increase of that public prosperity upon which his Majesty congratulated you at the opening of the last session of parliament.

"There never was a period in the history of this country when all the great interests of the nation were at the same time in so thriving a condition, or when a feeling of content and satisfaction was more widely diffused through all classes of the British people."

Here there was a most flattering picture of the prosperity of the country; and yet wheat was actually 6*s.* 4*d.* a quarter dearer than then it was now, when the measure before the house was proposed. Now, he must distinctly object—not, perhaps, to the first measure—which came with a good grace—and he never did object to any measure that seemed likely, however remotely, to benefit the people; but he did object to the two measures combined; and further, he must object to the language used by the noble earl (Liverpool), in giving up the principle on which the corn laws of this coun-



try stood. In 1815 the noble earl was in favour of the corn bill; and yet he might, at that day, have arraigned that measure on the very same grounds which he now advanced. The noble earl declared that this was a measure of relief. Surely it was not a measure of relief for the manufacturers; because, when they had no money, they could not purchase corn. No; it became a measure of relief, it appeared, for the charitable subscribers, because it would make their money go a little farther. What was the price of wheat in November last? It was 10s. per quarter dearer than now. At that time, too, ten months must intervene before the harvest could be brought to market; whereas, at the present moment, the harvest was but three months distant. Those, it should be recollected, were summer months, when it was more easy to subsist than during the winter and spring. At this time last year wheat was 8s. dearer than it was when the noble earl proposed this bill; but in neither instance did he think it necessary to ask parliament to pass such measures as these. Looking to these circumstances, and considering the situation of the times, it did appear to him that this was an attack upon the corn laws. The noble earl (Harrowby) said, he meant no pre-judgment of those laws. He did not care what the noble earl meant; but there was no man in the house, or out of it, who saw the public newspapers, or who knew what was passing in the streets of the metropolis, and throughout the country, that must not feel that the introduction of these measures was received as a pre-judgment of the corn question. Nay more, he did not know how he could now come to the consideration of that question, with equal calmness and patience, with the same dispassionate wish to view it in all its bearings, as he could have done before those measures were introduced. In his opinion, whatever might be said to the contrary, the line of policy adopted by ministers would have the effect of setting the manufacturers against the agricultural interest, and would prevent, for years to come, a temperate discussion of that great subject. What possible reason could the noble earl advance, to shew that the present was not as fit a moment for inquiry as any other? Let him look to the committee on the corn laws of 1814. That committee was not appointed until the 17th of June; and yet, with this fact before him, the noble earl rejected inquiry in the middle of May.—The noble earl had said, that no person entertained any objection to the Warehoused Corn bill. He (Lord Lauderdale) did, however, object to it, when combined with the provisions of the second bill. What, he demanded, was the reason for sending Mr. Jacob abroad? No man could read the instructions given to Mr. Jacob, without perceiving that those who sent him to the continent, had determined, in future, to place their reliance on the foreign corn-growers for the consumption of this country. The noble earl, it seemed, had found out that Great Britain could not rely on its own agricultural industry for corn. Now he must declare, that this was one of the most dangerous doctrines that could be laid down. All the evidence went to prove that Great Britain and Ireland could, on all ordinary occasions, grow sufficient corn for their own people. The most mischievous principle that could be adopted by this country was, to rely on foreigners for a supply of grain. If it were true, that when

the crop was small in one part of Europe, it was sure to be great in another, then there would be some certainty about the matter. But the fact was not so. If they looked to the corn-trade throughout Europe, they would find that, when there was a bad season here, there was also a bad season on the continent, especially in the north of Europe, whence the great supply was to come. Therefore, they would be inundated with corn in a year of plenty, but in a year of scarcity they would not be able to procure the requisite supply. The law of nature was opposed to such a system; but, independent of that, it would be affected by municipal laws. If they examined the law of France, the law of Sweden, and the law of other countries, on this subject, they would find that provision was made to prevent corn from being exported when it was at a certain price. It was not the cause of the landholders, but of the consumers, that he now advocated. He was not actuated by any petty motive; and he defied any one to say that his opposition to this or to any other measure of Government, ever originated in any other feeling than an anxious desire to discharge a public duty. When he wished to acquire knowledge on any subject of this kind, he always looked to the experience of past times, and that experience shewed him that the constant admission of a foreign supply of corn was calculated, beyond all other measures, to create frequent alterations in its price, without sensibly diminishing its value. It would be found in the history of this country, that by an efficacious law, passed in 1670, in the reign of Charles II., before foreign corn could be admitted the price in the market here must have risen to 50s., which, with a duty of 11s., brought the importing price to 31. 1s. Looking to the value of money at that day, that sum was equal to 81. 4s. at the present time. During the first thirty years after the passing of that act, they had wheat at 11. 19s. per quarter. That system was continued down to 1765, and during the last thirty years of that period wheat was at 11. 14s., shewing, that during the whole of that period, a low, and indeed a declining price, under those restrictive regulations, was constantly maintained. It was also a curious circumstance that, during the whole of the period he had mentioned, the highest price was never more than two-thirds of that to which it rose when the system was changed to that of a free trade—not such a system of free trade as that which was so much boasted of at present—which was too ridiculous to be talked of—and of which the silk manufacture afforded a good specimen—a free trade with a protecting duty of 30 per cent. *ad valorem* (a laugh). At the period he had mentioned, a really free trade was allowed; and, at the end of eight years, the average price of grain was found to have been 21. 10s. 10d. a quarter, being 15s. 11d. higher than it had been for the long period under the formidable protection that had been granted in the time of Charles II. In 1774 another law was passed, fixing the importation price at 50s.; and again, in 1791, a law was enacted, admitting the importation of foreign grain at 21. 8s. If they looked to the average of wheat, from the time when the act of Charles was given up, to the end of the year 1791, when the act of 1774 was repealed, they would find the general average to be 31. 2s. a quarter, and during a considerable portion of that time this



was actually an exporting country. In 1792, a new act was made, which continued till 1804, by which wheat was admitted to be imported when it had reached the price of 21. 9s. at a duty of 2s. 6d. Under that protection wheat rose to 31. 14s. 6d. After 1804, another scale of protection was adopted. It was then thought proper to go back to the protection of Charles II., and the average was struck at 51. 4s.; being considerably greater than that recently imposed. The effect of all this was to create a variation in the price of grain, which was most injurious to all classes of society.—The noble earl then proceeded to argue that it was better for the country at large to have steady and moderately high prices, than fluctuating low ones. If grain were too low, the agriculturist, to pay his rent, his taxes, and his poor-rates, had no other resource but that of dispensing with the labour of those workmen whom he had not the means of paying. The consequence was, that a number of individuals were thrown on the parish. In the present state of the country, many of those persons would find no difficulty in applying themselves to the working of machinery used in manufactures at a low rate of wages, and thus a superabundant supply of manufactures was forced into the market. A great deficiency in the amount of wages would compel those new workmen, in order that they might procure the comforts they formerly possessed, to undertake much additional labour, and thus distress was created amongst the established manufacturing workmen. This would not occur if the price were kept up at a just rate, so that the labourer could be profitably employed. Extremely high or low prices of grain were equally injurious to the country. What was wanted was equality of price.—The noble earl then proceeded to contend, that the landed interest were subjected to peculiar burdens to a great extent. The land-tax, called 4s. in the pound, in fact, amounted to about 10 per cent. on the value of the rent. Did the silk manufacturers, who had obtained a protection of 30 per cent., labour under any such burden as this? The poor-rates and tithes taken together amounted to about 33 per cent. on the value of the rent. This was not all; the landed interest were obliged to furnish the means of forming roads, bridges, &c. and to indemnify the owners of property for all losses occasioned by the riotous proceedings of distressed manufacturers. In addition to all these disadvantages, the exportation of wool—one of the staple commodities of the agricultural interest—was prohibited, in order to favour the manufacturers. (The Earl of Liverpool observed, that the exportation of wool was now permitted). Then, leaving that out of the question, the landed interest was subjected to exclusive taxation amounting to more than 50 per cent. on the value of the rent. It was under these circumstances that the present measures were brought forward, and discussions elicited which were more mischievous even than the measures themselves.

The Earl of *Liverpool* would tell the noble lords, who complained of the injurious effect which the present measures would have on the general question of the corn laws, that if any such effect was produced, it was the fault of those who opposed them. It was well known that when the measures were first proposed in the other house, they were hailed universally as well by those who supported the agricul-

tural interest as by those who supported the manufacturing interest. It was owing to the opposition offered to the measures in the House of Lords, that the opposition exhibited in the other house took place. Those who introduced the measures stated that they were not intended to have any effect on the question of the corn laws. The opposers of the measures, by putting it into the heads of people that they were connected with the general question, had done that which they alleged ministers to have done.—The noble earl (*Lauderdale*) had gone into a long history of the corn laws previously to the year 1765, and since that period. He was not going to follow the noble earl through his statement, but he could not help observing, that he had omitted to notice, as the advocates of the agricultural interest always did, the great growth of the manufacturing interest and increase of population since 1765, and to inquire whether the increase of produce had been proportionate. The noble earl was not correct in stating, that previously to 1765 there were no great fluctuations in the price of grain. In the beginning of the last century (1706), wheat was 23s. per quarter; in 1708 it was 36s.; in 1709 it was 69s. Thirty years afterwards, in 1740, wheat was 45s.; in 1741 it was 41s.; in 1742 it was 28s.; and in 1743 it was only 22s. He did not state this as an argument for one system or the other, but merely to shew that there had always been great fluctuations in the price of corn.—The noble earl had accused him of inconsistency in having supported the corn-bill in 1815, and now advocating the present measures. It was true that he did support the corn-bill of 1815: he said then, that he wished Great Britain and Ireland to produce corn enough for their own consumption. He said the same thing, and felt the same wish, now; but he could not shut his eyes to the fact that the imports of foreign grain proved that Great Britain and Ireland had not produced sufficient for their consumption. Whether the growth of population had been more than proportionate with the growth of produce, was a question which he could not undertake to determine. He supported an import price of 80s. in 1815, because he thought that it suited the then circumstances of the country. He was not now going to discuss the question, whether 80s. was at present a fair price; but when the noble lord talked of the burdens to which the land was peculiarly liable, he thought it necessary to remind the house, that the property tax, the agricultural horse tax, the salt tax, the leather tax—all pressing on the landed interest—had been repealed, whilst the taxes bearing upon the poorer classes, which had been repealed, were few in proportion. The noble earl could not deny, that at the present moment 60s. or 65s. were as fair a remunerative price as 80s. in 1815.—The noble earl said, that as the manufacturing population was out of employment, and had not the means of purchasing bread, it was of no use to make that article cheaper, or to prevent it from becoming dearer, which was, in fact, the only object of the proposed measures. It might be true that some proportion of the manufacturing population could get no work, but the great mass were working at reduced wages—some getting 7s. per week, others 5s., and some 2s., out of which, in many instances, large families were to be supported. Would any man, then, tell him, that to these people it was of no conse-



whether the loaf was a shilling or a penny? The corn laws, he repeated, & the cause of the distress; but the distress in existence, it must be of material use to lower the price of the principal of food. That being the case, the question to a mere matter of form—how was it to be administered? This was a birth the friends of the agricultural interest to consider well before they offered opposition to the present measures (were).

Earl of Limerick complained of the which had been created in Ireland by measures. All bargains had been shaken, facts dissolved, and the farmers and driven to a state of the greatest distress the merchants of this country were not, indifferent to the movements of the world. Every post carried out orders to Germany to buy up all the grain could be procured; and the intelligence speculations increased the apprehensions of the agriculturists. These measures also, have the effect of diminishing the home, because they would drive lands into cultivation. The Canada Corn Bill, indeed had that effect, to a certain extent,

King congratulated the noble earl (Limerick) on the signal success which he had obtained the great domestic enemy (a laugh). Nobody must have observed the reluctance which had been given to the measures in the secular quarter; indeed, it was more opposition than support:

“——— ira leonum  
Vincula recusantum.”

glad that of the two modes of proceeding were open to them, ministers had not the course of acting on their own responsibility, because then nothing would have been said and speaking on the subject of the law did good. Many people in that were inimical to free trade,—there were who were enemies to free air, and to silence—

ang wolves, whose conscience is their

best would shut out corn, another wool, utter. This was the essence of the old *codex agrestis* of the members for and Suffolk. All their arguments upon a supposition that we were to be buyers and not buyers; but how could we, unless we allowed other nations to: noble earl (Lauderdale) said he would paradox, and argue logically (a laugh); directly after said that low prices would distress, which was as great a paradox as ever uttered. If foreign corn was imported it was because it was lower than our price; if it was excluded, we were to eat corn at a higher price than we were summing up the burdens on the interest, the noble earl had mentioned the tithes were paid on produce, and paid by the consumer, as much as if the holder collected them at the oven's end. The noble lord concluded by stating, indeed this bill because it made an inroad on the corn laws, and because his object was to bring corn to a moderate price.

Earl of Caernarvon complained of the

difficulties in which ministers were likely to be placed by these bills, when they had tempted speculators to fill their warehouses with large quantities of foreign corn, for which they would find it impossible to procure a market. The course now pursued was tempting these corn factors to utter ruin. The corn trade depended now, day after day, upon the opinion of ministers—so that the price of 60s. to-day might be 50s. to-morrow. These measures had been introduced to their lordships by the noble earl, in a speech by no means complimentary nor constitutional,—a speech, that amounted almost to menacing their lordships with the public execration, should they refuse to pass these measures; but, notwithstanding that speech, their lordships would do their duty to the country—without any sordid motive or self-interest, but voting without any bias, as they thought was best for the welfare of the whole community.

Lord Redesdale felt no disinclination to relieve the manufacturers; but a partial tax on the agriculturists, for their relief, was an unjust tax. Every buyer of corn—all engaged in trade and manufacture, were to be benefited at the expense of the grower of corn. He should, therefore, oppose the measure: for we were not to steal leather to make poor men's shoes. This country could not be a great manufacturing country unless its agriculture supported it, and the distress of the latter would bring on that of the former. What was the cause of the late agricultural distress? Nothing but importation, which had ruined many farmers, and in the county of Dorset had caused the prices to fall one half. If there was now any difficulty in this country supplying itself, it was entirely owing to importation. He had lately conversed with a gentleman who had made inquiries in different parts of the country as to the means which farmers possessed of paying their rents. From this gentleman he learned, that out of 200 capital farms, not more than ten were fully stocked, and that 100 were only half stocked. This want of stock must produce a defalcation of corn. Some noble lords thought that poor lands ought not to be cultivated. But what would be the effect of throwing them out of cultivation? According to Mr. Ricardo, these lands consisted of one half of the soil in cultivation. Their produce was perhaps not one-third of the whole produce of the country. It might be one-fourth, but taking it at only 600,000 or 700,000 quarters, by throwing those lands out of cultivation, the production of the country would be rendered that much less than it now was. It was by cultivation that the country had been made to flourish, and if cultivation were discouraged, the injury would be irreparable. Their lordships must now experience the unfortunate effects of free trade. Under such a system every thing ought to be free, and commerce in every country should be on an equal footing; but such a state of things never had yet existed, and never would exist.

The Earl of Darnley thought that it would have been much better that the measures never had been brought forward: but after they had been introduced, after the people had looked up to them as sources of relief, he could not bring his mind to vote against them.

The Earl of Malmesbury:—An observation had fallen from the noble earl (Liverpool) that these measures would have passed over with silence, unless for the opposition in that house. The opposition arose, on his (Lord Malmesbury's) side.



bury's) part, from a wish to discharge his duty as a peer of the realm.

The Duke of Somerset opposed the measure, and was for inquiry into the corn laws generally.

The house divided on the second reading of the Warehoused Corn Bill—For the measure, 84—Against it, 23—Majority for the admission, 61.

They then divided on the Importation of Corn Bill—For the bill, 78—Against it, 28—Majority for the measure, 50.

WEDNESDAY, MAY 24.—The order of the day being moved for committing the Corn Bills,

The Marquis of Landsdowne observed, that as he had not had an opportunity of being present at the discussion yesterday, he was willing to take advantage of the present moment, to say a few words. He thought that both the measures proposed by the noble lord were called for by the circumstances of the country. He thought some change of the present system of the corn laws necessary, and he felt the less inclination to object to the measures, after the majority of that house had declared that that system was unsafe, unless it was accompanied by a palliative, and unless ministers were entrusted with a power to suspend it when they should see it necessary to do so. But the landed interest deceived themselves, if they thought the country would be satisfied with a mere temporary measure. Indeed, the present measures rather shewed the necessity for some alteration, than afforded the means of relief; for it would be preposterous to say that the introduction of 500,000 quarters of corn would afford any effectual relief to the country, in the event of the price of corn rising to a great extent. He did not know of a more important duty to be performed by Government, than that of bringing forward a complete revision of the existing corn laws; and, till that revision took place, he was convinced a great degree of irritation must and would exist in the country. He believed that it was the interest, not only of the manufacturers, but of the landholders themselves, that this alteration should be made; for, if corn should ever rise to a famine price, they would not only suffer all the obloquy arising from such a circumstance, which would be almost universally attributed to them, but they would, in fact, be injured by the loss of those consumers, from whose numbers, and whose means of consumption, they should most confidently look for the increase of their wealth.

The house then went into a committee. The report was agreed to, and ordered to be received to-morrow, (when the bills were passed).

Earl Fitzwilliam asked whether it was intended to propose any grant of public money for the relief of the distressed manufacturers.

The Earl of Liverpool said, that a very special case must be made out to induce him to consent to give relief out of the public purse. The proper source was the poor-rate; and, whatever farther aid might be necessary, would be better supplied by private benevolence than by public money. He did not say, that in no case ought an advance of public money to be made for the relief of local distress, but, to do so now, would be to establish the first precedent of the kind in England. He had anxiously considered the subject, and the more he considered it, the more he was confirmed in this opinion.

### *Silk Trade.*

COMMONS, THURSDAY, FEB. 9.—Sir Thomas Lethbridge presented a petition from certain silk-throwsters in Somerset, against the admission of French silks.

Mr. Robertson was astonished at the apathy of the house at the approach of this measure for admitting foreign silks at 30 per cent., or that any one should suppose that wrought silks could be produced as cheap here as in France. With respect to the silks of India, it must be well known that they could be imported so that, with the duty paid on them, they would cost less than the silks of the English manufacturer would cost here on putting them into the loom. The free trade in silk would immediately extinguish a branch of national industry, which had been fostered for ages in this country. It was utterly impossible that they could compete with French silks. The very material used by the French manufacturer would secure him the advantage. It was an article of a different, and of a higher quality than that used by the English, and was considered of such importance by the French, that they would not suffer any of it to go out of the kingdom. With a load of debt, hanging like a mill-stone around the neck of the country, were they rational men who could propose a competition with a people whose debt was almost no burden at all?

The petition was ordered to be printed.

Mr. Baring presented a petition from 2000 persons engaged in the silk trade at Taunton, against the introduction of French silks, which deserved the deep and serious consideration of the house and of ministers. The conviction on his own mind was settled long ago. What he wished to see was, whether or not the house were determined to support ministers in their desperate resolution. They all knew that great anxiety existed among the silk manufacturers, and that great hopes were entertained by them that the house would defend them against the ruin which awaited them from the plans of Government. He had no decided confidence in that source of relief when he recollected how his own objections to the measure had fared two years ago. But the public mind should be set at rest. The master silk-weavers could not find any employment for their people until their own fate was known. Whether they were right or wrong, they were unanimous in their opinion, that if French silks were let in, there was no chance of selling a single yard of English silk. The question ought to be set at rest, and it must be set at rest by a bill. The conduct of Government had justified a suspicion that they would not scruple to take liberties with the law. The late order sent to prevent the issuing of stamps from the Stamp-office was a direct violation of the existing law. The conduct of ministers might be justifiable, but they should have paid that reasonable respect to the legislature, to state the urgency of the occasion which induced them to contravene the existing law, and not leave it to the accidental explanation of the Secretary of the Treasury. He had to complain of a similar infraction with respect to the silk laws. A duty of 7s. 6d. a pound had been laid upon thrown silk. He himself had said at the time, that every penny of that protecting duty on thrown silk, must so far sacrifice the interest of the manufacturer. An order had lately gone down to state that it was the intention of Government to reduce that duty 2s. 6d., or from that to 5s., as they feared



was a sufficient protection for the v—so completely ignorant were the of the proper nature of that interest which they were so ready to advise ta. As if the law and the parliament nothing compared with their own no—y undertook to arrest and change the ad by the wisdom of parliament, and k to accept 5s. per lb. upon an article s to have paid the state 7s. 6d. This a strong case: like the other, it might able by circumstances. But if so, it ouden duty of ministers to have stated arliament, and to have sought protec— the offended law in a bill of indemnity. tioners had requested him to remove mon which had been made by the hon. T. Lethbridge) that they were satis— the existing state of the corn laws. not wish on the present occasion to ad any thing unconnected with their case, but they had directed him to t that statement if correctly repre— them. Their impression was, in the of their petition, that the principle of must be greatly injurious to the ge—reals, unless it were extended to corn t instance.

utison said, that the Board of Trade, bled themselves that 5s. was a suffi— cion, had directed so much of the re taken, and that bonds should be the excess of 2s. 6d. per pound, should t not concur with the Government. : would see at once that the whole of as secured to the public, should par— ink proper to exact it, and that mid by no means assumed an independent a dispensing power. His hon. friend ware that it was not unusual to take duties likely to be remitted by parlia—

sempert took the opportunity of im— inisters to take this subject again into as consideration. The consequences asures were just as he had predicted ago. He had told the house—open o foreign silk, and the home manufac— t be ruined. He called upon the l manufacturing interests to do justice ves and the country by inducing mi— orengo a plan which must ruin them all. Lethbridge, in reply to what fell from ember (Mr. Baring), observed, that rre of the observations which were be report of the address he (Sir T. e) had stated that which he believed perfectly correct—that the great body nufacturers took a more chaste view ra question than before. That was sion which had been given to his conversing with the manufacturers; ot object to the present price of pro— t to the probability of their trade be— yed. He found no direct complaint e prices of provisions among the facturers. Their distress was great, e felt severely at any prices. Yet, id, he could not but look upon this of the silk trade as an outwork to a eration in the corn laws, which if not ched, were so by implication and s—wind, tending at no distant period trade in corn. If the distress result— manufacturers from this first attempt ure it, the house might be called

upon to consider of a similar alteration in the corn trade. He thought that if the intentions of Government bore that way, the more manly and proper course would have been to begin with the corn trade (loud cries of hear, hear). For his own part, then, and on every occasion, he must oppose any proposition for a free trade of corn. As long as the national debt remained, no such thing could be listened to. When the time should come for discussion, and it was in his opinion likely to be soon, he would undertake to show that the country could not support competition in corn and its present burdens together. He would be as glad as any man to see low prices, but high prices there must be; agriculture could not go on without; and at all events, the prices must be kept up by an import duty, so as to amount to an absolute prohibition, so long as the interest of the national debt had to be paid. Such was the truth, and it was in vain to veil it from their minds.

Mr. Ellice said, that the hon. bart. was certainly right in considering this measure as the outwork of an attack on the corn laws; and in both plans, Government, he feared, would be found to be only too resolute. He intended shortly to move to have all the petitions referred to a committee. Much new and useful light had already been thrown on this subject, and much more might be expected from the daily course of their proceedings. A great deal of information had reached him from persons who had the best continental intelligence, that unless there was a very great improvement in machinery, and a great reduction in the price of corn, there was a moral certainty that they could not proceed with this bill, without throwing out of employment the great mass of people engaged in the trade. The bill had, notwithstanding, one good effect: those engaged in the trade had learned a good deal by their recent experience—they had had more time to see what they had to contend with, and to provide as well as they could against emergencies: if proper time were allowed them, then, indeed, could they better avail themselves of their own resources.

The petition was then laid on the table.

TUESDAY, FEB. 14.—Mr. Ellice presented a petition from the manufacturers engaged in the riband trade in Coventry, who employed upwards of 24,000 workmen, setting forth the apprehensions they entertained from the competition into which they would be forced with the French and Swiss trade next July, on the admission of the foreign article. In answer to the communications which had passed between this trade and the Lords of the Treasury, the latter declared their dissent from the alarms of the former, and expressed their conviction, that no greater importation of foreign goods would take place from the operation of the new measure, than at present occurred through the traffic of smugglers. The manufacturers, however, entertained very different feelings on the subject, and were fully impressed with the belief, that if the Government persevered in their intentions, the trade must necessarily decay, and they would be under the necessity of discharging their workmen.

Mr. Huskisson said, as to the observation that Government had stated in answer to the communications of the manufacturers, that they were satisfied the only alteration in the operation of the new law would be, the legalizing of the sale of a certain amount of foreign goods which



had previously found their way into the market by smuggling, he for one could say that he had never expressed any such opinion, nor was he aware that Government had ever held it out.

The petition was then laid on the table.

THURSDAY, FEB. 23.—After numerous petitions had been presented against the importation of foreign silks,

Mr. Ellice rose to move that the petitions relating to this subject be referred to a select committee. In bringing forward this motion, he could state, in the outset, that he was not acting in opposition to those principles which ministers had introduced with respect to trade. He had been a humble assistant in the application of those principles; but admitting their justice in general, there were exceptions which it was necessary for a practical statesman to consider. In acting on the principles of free-trade he did not think that ministers had begun at the right end. They should first have established the currency on a solid basis; they should have brought about a steady state of prices; they should have placed the labourer in a condition to compete with foreigners, by such an alteration of the taxes as would relieve the artisan, by throwing the weight of them on classes better able to bear it. Had they done this, they might have proceeded with less difficulty to the next step, an alteration in the corn laws. These points he wished to state, lest he should be accused of deserting his principles. —If the house examined the evidence laid before it, especially that taken before a committee in another place, and which formed the chief ground of the measure, he (Mr. Ellice) thought it would appear that the legislature had acted with less caution than it should have done. At that time little knowledge was possessed on the subject, except the general information of persons but little acquainted with it—chiefly the testimony of the Manchester people, who thought the country was better prepared for the measure than it was. Thinking, therefore, that the committee in the other house, and his Majesty's ministers, went too fast, was not subsequent experience sufficient to induce the house to reconsider the subject, and arrest the progress of a measure which the petitioners thought would be injurious? The petitioners, with a view of ascertaining the state of the trade abroad, had deputed experienced persons into other countries, whose reports had been laid before the right hon. gent.; and he trusted they would induce the house and ministers to arrest the measure. There were several branches in this trade—there were the Throwsters, the Dyers, (who he thought had not been fairly dealt with), the Broad Trade, and the Narrow Trade. He should first call the attention of the house to the case of the Throwsters. From all that had been communicated to him upon the subject, it did not appear that the Throwsters had any complaints to make with respect to machinery, nor did they expect any improvement to be made in their present machines. They had accurate knowledge of what machinery was in use in the principal manufactories upon the continent, and they were satisfied that, as far as machinery was concerned, they could compete with their foreign rivals, without fear of discomfiture. They also knew that their machinery was in such a state that it admitted of little or no improvement, and, in fact, no improvement was expected. This

branch of the trade had, however, made out a case, which entitled them to a protection from the competition of foreigners. The duty of 7s. 6d. in the pound was utterly inconsistent with a competition as to other branches of the trade. Two or three months ago, when this trade had suffered like all others—when the depression was extreme, and distress had arrived at its greatest height—when the manufacturers were throwing their workmen out of employ, from the fear of the effects which were likely to ensue from the introduction of foreign silks in the month of July; at that period the Government, without having the sanction of the legislature, or without any communication to parliament, reduced the duty upon thrown silk 2s. 6d. in the pound. This, of course, must have occasioned a considerable loss to every manufacturer in the kingdom; but, notwithstanding this obvious effect, the Government had pursued this measure without any previous communication whatever with the silk manufacturers. He could not be disposed to complain of Government's reducing a duty, the reduction of which would be indispensably necessary before any fair competition could be entered into with foreigners. But it was impossible that Government could justify their adopting a measure without the sanction of parliament, the effect of which was to interfere with the value of every man's property engaged in the silk trade, by depreciating the value of that article. The Throwsters had set forth, that, notwithstanding the state of their machinery, labour entered so much into the necessary expenses of carrying on their manufacture, that unless they were able to procure that labour, at a price approaching that at which foreigners procured it, it would be impossible for them to continue their trade at all. Even with the protection that Government proposed to afford them, the Throwsters would be obliged to abandon their establishments, which had cost enormous sums; they would be obliged to throw upon the parish an immense number of apprentices that they had engaged in the preceding state of the trade. If this was an exaggerated statement, he should be glad to have it disproved; if it was true, it was of sufficient importance to authorize the Government to grant the committee of inquiry. The next branch was the Broad Trade, or Broad Silk. The statements that had been made to him by the Broad Silk manufacturers, were, that the cost of labour in France was so low in proportion to that of England, that it made, upon an average, a disadvantage of from 45 to 50 per cent. to England, upon the general branches of the trade. According to the statements made upon the subject by Mr. Dext, who went into all the details relating to it, the expenses of the manufacturers in this country beyond those of France, were from 55 to 60 per cent. Under these circumstances, it was evident that the proposed protection of 30 per cent. would be perfectly nugatory—it would be no protection at all. Unless the protection amounted to what really brought the competitors into the markets upon equal terms, it was altogether a mischievous delusion to talk of protection. Comparing our expenses to the costs of silks from India and China, it would be an utter impossibility to enter into any competition with these latter producers, unless a greater protection than 30 per cent. was granted. The price at which China Silks could be brought into our markets, would almost justify



air total exclusion, unless, indeed, it were a secret intention of Government to ruin the English Silk Trade. One object of the proposed alterations was, to encourage an export trade, in the China and East India Silks could be brought into the European markets at half the price of the English Silks; and all the markets of the world would be open to them. The difference between the prices of the commodity in China and in England was enormous, and would destroy the slightest chance of our having any foreign trade, and thus, one of the principal arguments for the measure totally failed. Every nation in Europe could produce the article cheaper than this country. During the 30 years, to which the Silk Trade had been subject to the experiments of Government, no export trade had been acquired, and it was a proof, that at present, our manufactures could not find their way into the Continental markets, in competition with the manufactures of France and India. We had now procured perfect samples of Silk manufactures from all countries in the world—from India, China, Switzerland, Germany, and France; and a committee would be able to judge from comparison and actual experiment. Hitherto, they had judged from mere hearsay of two American gentlemen, who had stated the difference between the cost of the English and Foreign Silks to be from 25 to 30 per cent., and that was what the Government called evidence. One very important branch of the Silk Trade was that of the Dyers, who had been very unfairly treated by the Government. During the time that the Silk Trade had been subject to these experiments, a great proportion of the former duties continued upon all the articles used in dyeing. Soap and barilla were articles very much used, and ashes, with a long catalogue of things, upon which the duties were enormously heavy. He knew no reason why the duty was so heavy upon barilla, excepting, that a certain person of landed property in Scotland had contrived a duty upon foreign barilla, so that the barilla from his own country might enjoy a monopoly of the market. The principles of free trade must be applied generally. To talk of applying them partially was ridiculous (hear, hear). There was a duty of 4l. 10s. per cwt. on foreign soap, which operated nearly as a prohibition; and the excise duty on soap manufactured here was 28s. per cwt. The foreign manufacturer had not to encounter such duties as these; and therefore the introduction of his goods was peculiarly unfavourable to the British manufacturer. The dyers stated in their petition, that their machinery was as perfect, and their skill quite equal to that of foreigners. They had introduced foreign workmen into this country, and found they had nothing to learn from them; but on the contrary, that they were able to instruct them in many things, and the foreigners confessed that we had the advantage over them in skill, and in many chemical processes. The petitioners said, in effect, "We do not feel any alarm as to a competition with foreigners," in point of expense, with reference to the necessities of life and the materials used in our trade, we were placed on a footing with those foreigners. We feel no hesitation in saying that, with respect to the beauty and fastness of our colours, and our general expertness in our trade, we do not fear to compete with any set of men on earth. But, when we consider the cheapness of necessities on the continent, we

feel that it is out of our power to meet such fearful odds." Having stated the case of the dyers, and of the broad trade, as it was called, connected with this manufacture, he would now call attention to a nice and difficult part of the subject—he meant the situation of the Narrow, or Riband Trade. No complaint was made by the Broad Trade—no complaint was made by the dyers—of the inferiority of the machinery used by them in their respective branches: but when the committee made their report on this subject (which was adopted by the house in 1824, and on which ministers proceeded), they were little aware of the whole of the details of the case, especially as they related to this branch of the silk manufacture. He was almost afraid to quote the statements made to him on the subject; because they might be supposed to be a little exaggerated, when the feelings of the parties who communicated them were considered. Less faith would therefore be placed in those complaints, when stated to the house; and on that account he wished them to be sent to a committee for rigid examination. It had, however, been stated to him, that in Switzerland, where this branch of the manufacture was extensively carried on, the same quantity of silk was manufactured for 63s. which, if manufactured in England, would cost 77s., or nearly that sum. This statement, he believed, was true, as applied to fancy ribands, and some other branches of that manufacture; but he did not know what was the average with respect to what was called satin riband, much of which was, however, manufactured in France and Switzerland. With respect to the state of the machinery used in this country in the riband trade, some very important information had been elicited in the last two years. In the city of Coventry there were 9700 looms, 7500 of which were the property of the operative weavers, who applied their manual labour as well as their machinery to the manufacture of ribands. Those looms were for the most part of the worst possible construction; and it would be scarcely believed, that the improved loom in France would in a given time produce five times as much riband as the common loom in England, with the same degree of manual labour. If the French manufacturer could thus, with the same portion of labour, send forth five times the quantity of riband which the English manufacturer could produce, what chance was there for competition? Was it not clear that this whole branch of trade must be carried away? But if time were given for the introduction of new and improved machinery, they might indulge a well-founded hope that the British manufacturer would soon be placed in a situation to meet his foreign opponent. What he had stated was, however, only half the case. It had been said by those who were friendly to the introduction of foreign silks, that France would not be able to supply this country with riband. They now had an opportunity of examining the truth of that statement. He could state, that, at present, there were not less than ten thousand looms in actual employ in Switzerland, for the manufacture of common riband alone, and three thousand of these could, if actively worked, supply England with common ribands. At St. Etienne, and at Lyons, there were no less than twelve thousand looms for the manufacture of fine ribands, and it was calculated that, of these, three thousand were sufficient to supply all the markets of Europe. But there are other im-



provements in machines applicable to another article, which had been produced in this country. He alluded to the making of velvets and velveteens. With respect to this manufacture, he could state, that there now existed an improved machinery in Germany, by which one man could make 48 times as much as could be made in an equal time by an English machine. He should be fully able to substantiate his statements in a committee up stairs.—Much had been said of the superiority of this country in point of capital; but from information which he had derived from the persons who had put him in possession of the facts which he just stated, that boast did not appear to be well-founded. The silk manufacturers in Switzerland and in France had very large capitals embarked. He was informed, that in one little town in Switzerland more real capital was embarked in this branch of manufacture than was employed in it throughout the whole of this country. They did not deal in bills and other securities of that kind, as was the case here, and which had lately led to such calamitous results; no, they traded on actual *bonâ fide* capital (hear, hear). The manufacturers went over the mountains to Italy; there they bought raw silk, which they manufactured; and they took care to sell their goods for ready money. It was known, that at the present moment there was a stock in the warehouses of Switzerland sufficient for the consumption of this country for four years to come. There was another subject which Government had overlooked, and to which he wished to call the attention of the house. He alluded to the custom of granting patents to the importers of machinery, who were not the inventors of what they introduced. The importer had the exclusive patent-right, and although he was the mere carrier, and might be incapable of either using or improving the machine, no manufacturer could use it, and no machinist could improve upon it for fear of infringing the importer's patent (hear, hear). Although a knowledge of the improvements made in French machinery had recently been obtained, such was the alarm existing in England as to the present measures, that there had not been a single attempt made to put up one of the improved machines in this country. No man would venture to embark his capital in any such undertaking, unless he could obtain some assurance from Government that he would be protected, or that he should not be exposed to the dangers and vicissitudes arising from the perpetually varying theories of trade. Government ought to hold out to them some advantage. Both the broad trade and the narrow trade complained that Government, in holding out to them a nominal protection of 30 per cent., held out expectations that could not be realized. Five shillings duty on thrown silk was equal to  $7\frac{1}{2}$  per cent. of the 30 per cent. to be levied on foreign goods. The balance of  $22\frac{1}{2}$  per cent., if fairly levied, was as much as could be levied without giving a great encouragement to smugglers.—He would now ask, whether the state of things he had described was not sufficient to justify an inquiry? Ought not the complaints of the silk manufacturers to be investigated, before the arrival of those evils which they were satisfied must ensue from an obstinate adherence to the system which ministers had introduced? First of all the silk-throwster complained, that it was impossible he could live, with the small protection afforded to him; next, the manufacturer of broad silks, looking to the protection

afforded to the throwster, declared that he could not compete with the manufacturers of France, and certainly not with those of China and India; thirdly, came the riband weaver, to whose case he most particularly called the attention of the house, because he was the most likely to suffer severely by the execution of this measure. How would this measure affect the great body of individuals connected with the silk trade—that body whose case would and ought to be looked at with more feelings of tenderness and commiseration than that of the master manufacturers, disagreeably situated as they were? What was the case with respect to the great body of operative weavers? He thought the house did not require much information on that subject. If they looked to the scenes which were passing around them—if they considered what had already occurred in every place where the silk manufacture was carried on—they would at once see the vast extent of misery which the approaching consummation of this measure had produced. Two-thirds of the operative weavers had been thrown out of employment. But this was not all; they would find that the remaining third were in a state almost of destitution for the want of full employment. It would be for the legislature to inquire, in the first place, how that reasonable state of prices could be re-introduced which prevailed in this country prior to the establishment of a paper currency—how a state of prices could be brought back something analogous to that which prevailed in other countries before the breaking out of the late war. The weekly average of wages in the neighbourhood of Macclesfield in 1792 was 9s., it was now about 13s.; meat was then from 3d. to 4d. per lb., it was now from 7d. to 8d.; and, looking to the whole catalogue of necessities which the labouring population required, he perceived the same disproportion throughout. Could they go back to the rate of wages which prevailed in 1792? Could they introduce the same scale of prices? If they could not, how could the manufacturer compete with the foreigner? Or were they willing that the support of the operative weavers should be derived, one-half from the manufacturers, and the other half from the poor-rates (hear, hear)? Were the landed interest prepared to take the whole population of the country off the hands of the *rt. hon. gent.*?—The *rt. hon. gent.* had made the evidence given on a former occasion, by Mr. Hale, the basis of the policy introduced in 1824. He had, in addition to that, the statement of some foreigners, who were of opinion, that with a protecting duty of 25 or 30 per cent. the manufacturer of this country could compete with the foreigner. Thus, also, the persons engaged in the silk trade at Manchester came forward and said, that if they were allowed only two years of preparation, there was no doubt that they would make the silk manufacture of England compete with that of any part of the world. They stated, that the old persons engaged in the trade did not understand it—that in the course of two years, machinery might be made as applicable to the working of silk, as of any other article—and that once done, there was no fear of any competition from foreigners. Well, the two years were now elapsed, and they had the experience of that period for their guidance in future. Suppose, that at this moment, Mr. Hale, and the other parties who gave those opinions, were now ready to come forward and state, that the result of two years' experience



they were mistaken; suppose they say, at the bar of the house, that motions with respect to a competition in silks were entirely altered (hear, suppose this could be proved, would the right hon. gent. still refuse the appointment of a select committee of inquiry? Such, however, was the case with respect to the silk manufacturers' meeting. Two years ago they entertained expectations, and he was free to confess, as one of those who, looking to the industry of the Manchester manufacturers, entertained great expectations from them. He thought that an improved system of machinery having been introduced, much was to have been expected, promoters would follow up their plans by rational measures as would give the manufacturer a fair opportunity of dealing with foreign markets; but this had not been done, and the result was, the distress and want which at present existed.—He said in that house, and also by many of the doors, that the distresses which had been in the country, but more particularly among the manufacturers, whose cause he was pleading, were to be attributed to over-trading and over-speculating. Well, supposing that was the case—not to mention that the distress was in truth attributable to Government Bank,—supposing that the master manufacturers did indulge in such speculations, working classes to be visited by the distress that spirit now produced in the country.

Were they to be consigned to misery because their employers had pursued a wrong course? The increase of trading gave a new direction to their labour which it did not require; the re-action necessarily produced by the change of things—was the culpable conduct to be attributed to those who, offering most by its effects, were innocent of any participation in it?—If that had stated were true—if the country was now in a state to meet foreign competition with protection of 30 per cent.—what necessity was there for precipitating a change at the present moment? In saying that the advantage which would be derived from every species of monopoly when done with safety: but during the time in which they were preparing to carry it into effect, he should like to know what reciprocal advantage had been conceded to this country? If he could bring it to the conclusion that no sacrifice made by this measure, then he would be able to alter it; but if, on the other hand, a sacrifice would be incurred, he said that it would be a very great hardship manifest so much generosity without any reciprocal benefit. He stated the view that the right hon. gent. should take time for the consideration of this in all its bearings. He should therefore propose that a select committee be appointed, to go into and examine the statements contained in the various petitions from persons in the silk manufacture; and to report conclusions and observations thereon to the

*Williams* understood it to be always that experiments in the way of trade were made when countries were in a state of tranquillity, and not in times of diffi-

culty and danger like the present. As he was desirous, however, of occupying as little of the time of the house as was consistent with the importance of the subject, he should at once proceed to the situation of the silk interest, and to that which would be the effect of a perseverance in the contemplated measures. To begin, therefore, with the town of Macclesfield—that town, under our old and erroneous system, had increased, since 1780, from a population of 4000 persons, to a population of 23,000. It might be that the right hon. gent. would think this an increase more rapid than desirable; but famine was not a mode of thinning the numbers which would be found consistent with the peace or safety of the country. In Macclesfield, however, in 1825, there had been employed in all branches of the silk trade 22,000 persons. The number now in employ, and in scanty employ, and at low wages, was only 8700; being 14,000 thrown out of work, by the operation, as the silk manufacturers contended, of the new measures. Sixteen hundred families, in Macclesfield only, were supported by voluntary contributions, upon potatoes and oatmeal; and the fund which so supported them was rapidly exhausting, and in a few weeks it would be at an end. This was independent of parochial relief, which oppressed the trading interest; and orders of removal were signing every day to throw part of the burden on the land. In Manchester the state of things was scarcely less calamitous than at Macclesfield. Of 10,500 looms which had been at work there, in the broad silk trade, in the spring of the last year, the number left, last month, was only 4100, being a reduction of upwards of 6500. In the parish of Bethnal Green, no less than 1000 silk workers, of various kinds, were sustained by parish relief, and it was said that the numbers were daily increasing. But, notwithstanding the extent and variety of this distress—notwithstanding the probability of its increase, and the certainty that a portion of the population must be driven to ruin and despair—notwithstanding all this, he would not oppose the measures of the right hon. gent. if he would shew to him the great countervailing benefits they were to produce in the country. Let him but prove this—let him but shew to that house that benefits would be derived to the country greater than the evils which it was suffering, and also those which were apprehended, and then let him by all means persevere in those measures. But he called upon the house in the meantime to weigh well the complaints and the apprehensions of the suffering manufacturers, before they gave their assent to those theories which were considered injurious, but which the right hon. gent. shewed his consistency by a determination to persevere in. It was their duty to have full and clear evidence before them, before they took a course which would have the effect of bringing the most serious and lasting evils upon the country. The whole of those distresses had been attributed by the right hon. gent. and others to the spirit of over-trading and over-speculation, which had seized upon the manufacturers, as well as almost all other classes of society. And how did the right hon. gent. propose that the evil should be cured? By leaving all to the natural course of things. But did not the right hon. gent. perceive how this must aggravate the distress by compelling the manufacturer to sell his stock at a loss, in order to get the superabundant stock out of the market,



and regulate the supply to the demand? The silk manufacturers, however, did not admit that their distresses had arisen from over-trading or over-speculation. This was a period of the year, when the demand for goods was usually greatest upon the manufacturer; it was, at present known, that the stock on hand with the warehousemen and merchants was much below par, and yet the demands upon the manufacturer for a fresh supply were entirely at a stand. How was this to be accounted for, unless from a feeling that, after the 5th of July, supplies of silks would be obtained from abroad, at a cheaper rate than the English manufacturer would be able to make them? The petitioners feared, and justly, that the ports, once open, the supply of the foreign article would go on, to the exclusion of the English manufacturer; so that the measure would operate only as a benefit to our foreign neighbours. The business of silk throwsters occupied about one-third of the capital of those engaged in the trade. The quantity of manual labour, as distinguished from machinery, was less in proportion than that used in weaving and winding. It was said that, amongst silk throwsters, there were four-fifths of manual labour. Now, the price of labour must be regulated by the price of provisions. He held in his hand a return, made by a gentleman upon whose accuracy he had every reason to rely, during his travels on the continent in July last. It stated, that at Lyons, the price of bread was three sous per lb. while in England it was 2½d. per lb. or nearly double. This alone would make the comparative value of labour in England and in France as two to one, or nearly three. The same gentleman stated, that the value of labour in England was 44½ per cent. dearer in England than at Lyons, and 60 per cent. dearer than at Zurich. Was it likely, with such a disparity in the value of labour, that the British manufacturer could compete with the produce of foreign markets? He considered that the immediate tendency of the right hon. gent.'s measure was to suspend the demand for goods, which was the only remedy for the evils that this numerous and meritorious body of men, engaged in the silk trade, were now suffering; and also, on the other hand, to create a demand, not for the product of the labours of the artificers of this country, but for those of foreigners, who possessed advantages that would enable them to beat us even in the English market; advantages which no protecting duty that the right hon. gent. might uphold, would enable us to meet; for the larger the amount of that duty, the greater would be the chance of throwing the trade into the hands of the smuggler (hear, hear, from the ministerial benches). Be it so—he would not retract his argument—he still contended, that if the duty was large, the trade would be thrown into the hands of the smuggler, and foreign goods would be introduced, to the injury of the fair trader and of the industrious English manufacturer. What the present petitioners asked was, that the minister would reconsider the measure he had proposed, and that he would delay its execution till a more convenient opportunity—till the hospitality he was ready to exercise towards foreigners was in some measure met by them—till that system of reciprocity, of which he had spoken so much and so triumphantly, had been established. When that was done, opposition would no longer be offered; but till that time, he (Mr.

Williams) should have the pain of appearing to oppose measures of liberality, with the principles of which he fully agreed. The system of reciprocity to which he had alluded, was that system mentioned with so much praise by the right hon. the Chancellor of the Exchequer, when he described the flourishing affairs of this country—affairs which, since that time, he was sorry to say, had not continued in quite so flourishing a state.—In the spring of 1824, the right hon. gent. had said, certainly in a very oratorical manner, and in a most metaphorical style, that “it was high time to cut the cords which fastened commerce, which bound her, as it were, to the earth;” and consequently, to make the metaphor complete—to enable her to soar to heaven (a laugh). He doubted not that while the right hon. gent. was dealing out the hospitality of this country, he had found plenty of people to accept of it; but was there any body who had sent him an invitation in return? Had any foreign nations performed one single act—had they acknowledged one principle of reciprocity to justify the present measure, or the conduct of the right hon. gent. who was now urging this measure, to support his own principles, and to shew that we understood political economy better than our ancestors?—He had now only to advert to one other point. It was said that this measure was only in furtherance of others of a more general nature, which had received, in a great degree, the approbation of the house. Whether the minister had been led on or supported by the cheers of those who surrounded him, or whether all he had done was upon his own responsibility alone, he was equally bound now to hesitate before he pursued his present course any further. The people of England had a right to look to the ministers for an account of those measures which they either produced or supported; and it was no answer to the people, when a disadvantageous measure had been passed, to say that it had been done with the approbation of parliament. He confessed that if it was a proof of stupidity not to see the value of general principles in the abstract, he must plead guilty to the charge; but at the same time, he would say, that there was no quackery more common and notorious, nor any more injurious—no theory, nor want of theory, when reduced to practice, so dangerous, as to attempt to reduce every thing to certain general principles, without having recourse to the particular circumstances, or the particular times in which those principles were to be called into practice. It was the consideration of these which constituted the difficulty in the present case, and it was trifling with us to say that the principles stated were true, if the times and the circumstances were such as to render it improper to bring those principles into practice. It was in the application of principles that the great difficulty consisted. When they came to apply general principles to a country of such great and multifarious interests as this—to a country so peculiarly circumstanced, it was not at all surprising that ministers should find themselves in the midst of difficulties—that they should discover they had been entrapped into dangers, and that they could have no other consolation than that of not having seen the dangers before encountering them, and of having no remedy to afford to them. The circumstances of this country, under which they now attempted to introduce these measures, ought to have been well considered—they ought



not to have been taken by surprise, or to have acted incautiously on such a subject. "Ye gods! annihilate both space and time," had been allowed under particular circumstances to be a comparatively reasonable petition. So he would say here; let gods or men destroy time, taxes, and poor-rates; and then let any newly-enlightened minister open his eager arms to admit the unrestricted commerce of the world. But until that were done, to talk of free trade, what was it but to propose that a man bound in fetters should try his strength or agility with one whose limbs were wholly free? Remove the triple necessity which he had mentioned, and then let the ports of Britain be opened to the whole earth. For his own part, he could not allow 500,000 persons to be sacrificed to abstract principles, however true those principles might be. If the authors of this measure were so strongly enamoured of their principle, that they were prepared to make that sacrifice in carrying it into effect, the strength of their resolution would, under present circumstances, only prove the quality of their hearts. Mr. Burke, with whom he fully agreed, had said, when speaking of those hard-hearted theorists, who pursued their abstract principles independently of any consequences, that they were actuated by "the quality of heart possessed by a perfect metaphysician, which exceeded that of the devil himself in malignity, and in contempt for the happiness of mankind." He must say, that in the present instance, he thought that the right hon. gent. had manifested an overweening attachment to abstract principle.—One word more, and he had done. Ministers asked parliament to take this measure on their responsibility—the request was useless, no gentleman could relieve them from it. The house might divide the blame, and so lessen it; but ministers, by the possession of their office, by their acceptance of place, took upon themselves a responsibility from which nobody could relieve them. But when the right hon. gent. knew of that distress, of which the house had heard to-night, when he knew that he had no remedy for this distress; when he knew these things, he would be guilty of extreme impropriety, if he refused the present motion, which did not ask for the final rejection of his measure, but which called on him to hesitate, to pause, to examine, to hear the facts which had transpired since that measure had been first proposed. Ministers had already incurred a responsibility, the extent of which he did not know; but he believed that if, between this house and the feelings out of doors there existed any analogy, he might say there was almost a certainty that they would not allow the present measure to pass (loud cheers).

Mr. Huskisson:—"Although the hon. member, who introduced the present motion, may be supposed to be under the influence of suggestions and views which have been furnished to him by his constituents, and from other sources out of doors, I am, nevertheless, ready to admit, that that circumstance ought not to detract from the weight which is fairly due to the hon. member's statements and arguments, in support of the motion which he has submitted to the house. But, sir, however true this may be, as far as respects the hon. mover, the same observation applies not, in the remotest degree, to the learned gent. who has seconded the motion; and who, acting I must suppose, under the influence of a connexion, certainly not po-

SEAS, 1825.

litical, but the more binding perhaps, as having been more recently formed, has thought proper to take a wider range, and to indulge in a higher tone of declamation:—or, it may be, that he looks forward to the expectation of becoming the colleague of the hon. mover; and, by his speech of this evening, proposes to declare himself a joint suitor with the hon. mover for the future favours of the good people of Coventry. Whatever may be the motives of the learned gent. I confess that I have listened with the utmost astonishment to the speech which he has just delivered (cheers).—Sir, in the course of that speech, the learned gent. repeatedly told us, that he was not authorised to make certain statements—that he was not at liberty to admit this, and to admit that. This, I presume, is a mode of expression, in which gentlemen of the legal profession are wont to indulge, to mark that they keep themselves within the strict limits of their briefs, and that the doctrines which they advocate are those prescribed to them by their instructions. However customary and proper such language may be in the courts of law, it certainly sounds new and striking in the mouth of a member of this house. With regard to the general tone of the learned gent.'s speech—the vehemence of his declamation, his unqualified censure, and his attempts at sarcasm, I can, with perfect sincerity, assure the house, and the learned gent. that I entertain no sentiment bordering upon anger, nor any other feeling, save one, in which I am sure I carry with me the sympathy and concurrence of all those who entertain sound and enlightened views upon questions of this nature—a feeling of surprise and regret, at finding that learned gent. now for the first time, launching forth his denunciations and invectives against principles and measures, which have received the support of men the most intelligent and best informed, on both sides of this house, and throughout Europe (cheers.) Having said thus much, I leave the learned gent. to the full enjoyment to be derived from the new lights that have so suddenly broken in upon him. I leave to him, and to his hon. friends around him, to settle, among themselves, the taunts, the sneers, and the sarcasms, which he has heaped upon their heads, as the friends of those principles which are involved in the present discussion—principles which it has been their boast that they were the first to recommend, and of which they have uniformly been the most eager advocates in this house.—In whatever quarter the statements and arguments of the hon. mover may have originated, they are entitled to the serious and attentive consideration of the house; more especially if derived from individuals now suffering distress from want of employment, and who may have been led to believe, that that want of employment has been caused by measures which have been adopted by this house. This circumstance adds to the difficulty in which I am placed, in rising to address the house on the present occasion. In opposing the proposed inquiry, I feel that I may be represented as insensible or indifferent to the sufferings of those on whose behalf it is called for. Sir, the learned member has, indeed, given countenance to this unjust imputation. He has not only chosen to assert, that I am mistaken in my views—he has not scrupled to insinuate, that I am without feeling for the distress now prevailing amongst the manufacturing classes—"

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Mr. Williams:—"I never did say so."  
—"What, then, sir, did the learned gent. mean by his quotation? To whom did he mean to apply the description of an 'insensible and hard-hearted metaphysician, exceeding the devil in point of malignity?'—I appeal to the judgment of the house, whether the language made use of by the learned gent. with reference to me, was not such as to point to the inference, that I am that metaphysician—lost to every sentiment of humanity, and indifferent to every feeling, beyond the successful enforcement of some favourite theory, at whatever cost of pain and suffering to particular bodies of my fellow creatures? When the learned gent. allows himself to talk of 'hard-hearted metaphysicians, exceeding the devil in point of malignity,' it is for him to reconcile such language with the general tenour of his sentiments on other occasions—to explain, as he best may, to those around him, whether they are included in that insinuation;—and it is for me to meet that insinuation (as far as it was levelled at me) with those feelings of utter scorn with which I now repel it (repeated cheering). Still, sir, it sits heavily on my mind, that any individual, or any body of individuals, should in any quarter be impressed with the notion, that I, or any of my rt. hon. colleagues, could be capable of that which has been imputed to us; and it is but perfectly natural that I should feel anxious to shew, that my own conduct, and that of my rt. hon. friends, has not been such as, in some quarters, it has been represented to be. The hon. mover and the learned member have, by some strange perversion, argued the whole case, as if I, and those who act with me, were hastily and prematurely pressing on some new, and till this evening, unheard-of measure—as if we were attempting to enforce that measure by all the influence of Government: instead of which, we have proposed nothing, and are lying upon our oars, quietly waiting for the going into effect of an act of Parliament, passed more than eighteen months ago, with the unanimous concurrence of this house; an act which is now the law of the land; and of the enactments of which, all the parties concerned were as fully apprized on the day when it first passed this house, as they can be at this moment. In the view which I take of the speech of the hon. mover, of which I do not complain, and of the speech of the learned member, of which I do complain, the greater part of their arguments go to impugn those principles of commercial policy, which, under the sanction of parliament, have now prevailed in this country, for the last two or three years;—a policy, which has for its object gradually to unfetter the commerce of the country, by the removal of those oppressive prohibitions and inconvenient restrictions, which had previously existed; and to give every facility and encouragement, consistent with vested interests, to the extension of the skill, the capital, and the industry of the people of England. This, then, being the real drift of the argument especially brought forward by the learned gent., it is, with reference to a much greater question, that I find myself called upon to consider the present motion. The point at issue is, not whether we shall grant the committee, but whether we shall re-establish the prohibitory system? If we re-establish it in one instance, we shall very soon be called upon to do so in many others. If we once tread back our steps, we shall not be

able, in this retrograde motion, to stop at that point from which we first set out:—we must go farther, and, ere long, we should have in this country a system of commerce, far more restrictive than that which was in force before the late changes. Anxious as I am to persevere in our present course, I say that, if we once depart from it, we must at least be consistent in our new career; and that, to be consistent, we must impose restrictions and prohibitions, far beyond those which have been lately removed (cheers). The present question, therefore, is not simply the motion before the house—but, neither more nor less than, whether a restrictive or an enlarged system of commercial policy be the best for this country? In order to come to a sound decision upon so important a subject, it behoves the house to look back a little to the course of events, and to bear in mind some of the occurrences which have materially contributed to those relaxations in the restrictive system, of which it is now the fashion to complain. With this view, I must ask the permission of the house to call its attention to a petition, presented in May 1820, a period which, like the present, was one of great difficulty and public distress. The petition is somewhat long, but, I assure the house, that those hon. members who may favour me with their attention, will be well rewarded, by hearing sound principles laid down, in the clearest language, not by philosophers and unbending theorists—not by visionaries and hard-hearted metaphysicians, with the feelings of demons in their breasts—but by merchants and traders; men of the greatest practical experience in all that relates to commerce. This petition, sir, is a document of no ordinary interest. The house will see how decidedly the petitioners maintain the principles upon which Government have acted; and, when I have done reading it, I am sure they will admit, that those principles are therein expounded in words far more apt and forcible than any which I can command. The petition conveys to the house the deliberate judgment of the merchants and traders of the city of London; the result of their daily observation of the evils inflicted upon the country by the unnecessary restrictions imposed upon their industry and pursuits. The petition states—

'That foreign commerce is eminently conducive to the wealth and prosperity of the country, by enabling it to import the commodities for the production of which the soil, climate, capital, and industry of other countries are best calculated, and to export in payment those articles for which its own situation is better adapted.

'That freedom from restraint is calculated to give the utmost extension to foreign trade, and the best direction to the capital and industry of the country.

'That the maxim of buying in the cheapest market, and selling in the dearest, which regulates every merchant in his individual dealings, is strictly applicable, as the best rule for the trade of the whole nation.

'That a policy, founded on these principles, would render the commerce of the world an interchange of mutual advantages, and diffuse an increase of wealth and enjoyments among the inhabitants of each state.

'That, unfortunately, a policy, the very reverse of this, has been, and is more or less adopted and acted upon by the Government of



this and of every other country; each trying to exclude the productions of other countries, with the specious and well-meant design of encouraging its own productions; thus inflicting on the bulk of its subjects, who are consumers, the necessity of submitting to privations in the quantity and quality of commodities; and thus rendering, what ought to be the source of mutual benefits, and of harmony among states, a constantly recurring occasion of jealousy and hostility.

\* That the prevailing prejudices in favour of the protective or restrictive system may be traced to the erroneous supposition, that every importation of foreign commodities occasions a diminution or discouragement of our own productions to the same extent; whereas, it may be clearly shewn, that although the particular description of production which could not stand against unrestrained foreign competition would be discouraged; yet, as no importation could be continued for any length of time without a corresponding exportation, direct or indirect, there would be an encouragement for the purpose of that exportation of some other production, to which our situation might be better suited; thus affording at least an equal, and probably a greater, and certainly a more beneficial employment to our own capital and labour.

\* That of the numerous protective and prohibitory duties of our commercial code, it may be proved, that while all operate as a very heavy tax on the community at large, very few are of any ultimate benefit to the classes in whose favour they were originally instituted, and none to the extent of the loss occasioned by them to other classes.

\* That among the other evils of the restrictive or protective system, not the least is, that the artificial protection of one branch of industry, or source of protection against foreign competition, is set up as a ground of claim by other branches for similar protection; so that, if the reasoning upon which these restrictive or prohibitory regulations are founded were followed consistently, it would not stop short of excluding us from all foreign commerce whatsoever.

\* And, the same strain of argument, which, with corresponding prohibitions and protective duties, should exclude us from foreign trade, might be brought forward to justify the re-enactment of restrictions upon the interchange of productions (unconnected with public revenue) among the kingdoms composing the union, or among the counties of the same kingdom.

\* That an investigation of the effects of the restrictive system at this time is peculiarly called for, as it may, in the opinion of the petitioners, lead to a strong presumption that the distress which now so generally prevails is considerably aggravated by that system; and that some relief may be obtained by the earliest practicable removal of such of the restraints, as may be shewn to be most injurious to the capital and industry of the community, and to be attended with no compensating benefit to the public revenue.

\* That a declaration against the anti-commercial principles of our restrictive system is of the more importance at the present juncture, inasmuch as, in several instances of recent occurrence, the merchants and manufacturers in foreign states have assailed their respective Governments with applications for

further protective or prohibitory duties and regulations, urging the example and authority of this country, against which they are almost exclusively directed, as a sanction for the policy of such measures; and certainly, if the reasoning upon which our restrictions have been defended is worth any thing, it will apply in behalf of the regulations of foreign states against us; they insist upon our superiority in capital and machinery, as we do upon their comparative exemption from taxation, and with equal foundation.

\* That nothing would more tend to counteract the commercial hostility of foreign states, than the adoption of a more enlightened and more conciliatory policy on the part of this country.

\* That although, as a matter of mere diplomacy, it may sometimes answer to hold out the removal of particular prohibitions on high duties, as depending upon corresponding concessions by other states in our favour, it does not follow, that we should maintain our restrictions, in cases where the desired concessions on their part cannot be obtained; our restrictions would not be the less prejudicial to our own capital and industry, because other governments persisted in pursuing impolitic regulations.

\* That, upon the whole, the most liberal would prove to be the most politic course on such occasions.

\* That, independent of the direct benefit to be derived by this country on every occasion of such concession or relaxation, a great incidental object would be gained by the recognition of a sound principle or standard, to which all subsequent arrangements might be referred; and by the salutary influence which a promulgation of such just views, by the legislature and by the nation at large, could not fail to have on the policy of other states.

\* That in thus declaring, as the petitioners do, their conviction of the impolicy and injustice of the restrictive system, and in desiring every practical relaxation of it, they have in view only such parts of it as are not connected, or are only subordinately so, with the public revenue; as long as the necessity for the present amount of revenue subsists, the petitioners cannot expect so important a branch of it as the customs to be given up, nor to be materially diminished, unless some substitute less objectionable be suggested; but it is against every restrictive regulation of trade not essential to the revenue, against all duties merely protective from foreign competition, and against the excess of such duties as are partly for the purpose of revenue, and partly for that of protection, that the prayer of the present petition is respectfully submitted to the wisdom of parliament. The petitioners therefore humbly pray, that the house will be pleased to take the subject into consideration, and to adopt such measures as may be calculated to give greater freedom to foreign commerce, and thereby to increase the resources of the state.

—It will be clear to all who have attended to the very able document which I have just read, that it embraces all the great principles of commercial policy, upon which parliament has since legislated. Why do I lay so much stress upon this petition? For the purpose of shewing, first, that if the Government have pursued this course, we have done so, not on the recommendations of visionaries and theo-



rists, but of practical men of business: secondly, that the merchants of the city of London—the great mart of the commerce and wealth of the country—felt convinced, in 1820, that the distress of that period was greatly aggravated by the narrow and short-sighted system of restrictions and prohibitions which then prevailed; and that, in their judgment, the alleviation, if not the cure of that distress, was to be sought for in the removal of those restrictions and prohibitions. And, because we have followed up, cautiously and circumspectly, the recommendations of the mercantile community, are we to be told by men who know nothing of commerce, that we are unfeeling projectors and metaphysicians, insensible to the wants and the miseries of our fellow-creatures? If this be a just charge against us, what are we to think of the parties who could sign, or of the member who could present, such a petition as this? This morning I took the trouble to look at the names of the merchants who signed it; and the first signature I read is that of one of the most distinguished of that class in the city of London; a gentleman who was many years ago Governor of the Bank of England, who is now one of the Directors of that establishment, and who was, for a long time, a valuable member of this house; a gentleman, who, in the best sense of the word, is a practical man, and one whose conduct in private life would protect him (if any man can be protected by his conduct) from the suspicion of being a 'wild and unfeeling theorist'—a 'hard-hearted metaphysician'—'alike indifferent to the wants and the miseries of his fellow-creatures'—I mean Mr. Samuel Thornton. And, besides his name, the list contains the names of others, who, like him, have been Governors of the Bank of England; of several who are now in the direction of that great establishment; and of many who hold the highest rank in the commercial world. Let it not, however, be supposed, that I offer this petition to the house, in the way of an apology for myself and my right hon. colleagues—in the way of extenuation of anything which we may have done, to excite the wrath of the learned member. Sir, I think now, as I have always thought, that our measures require no apology. I believe now, as I have always believed, that they are calculated to promote the best interests of the people. I say now, as I have always said, that those who, either by their speeches in parliament, or the exertions of their talents out of it, have contributed to bring the people of England to look with an eye of favour on the principles recommended in this petition, have done themselves the greatest honour, and the country an essential benefit. If, however, I refrain from troubling the house with apologies, where I feel that they are not required, neither do I wish to claim for Government any participation in the merit of these measures, beyond what really belongs to us. By a reference to many other petitions and proceedings of a like nature with those to which I have already adverted, I could show that, in all these matters, the first impulse was not given by the Government. We claim for ourselves no such credit. The changes hitherto made have been the result of public opinion, sanctioned by the concurrence of practical men, and confirmed by the proceedings and inquiries of the two houses of parliament. We did not create that opinion: we did not anticipate it; we did not even act upon it, until it

was clearly and distinctly manifested. And, in what we have done, we have not exceeded the sober limits, prescribed by the authority of those, who, by the habits and pursuits of their lives, were most competent to form a sound judgment. But, when that judgment was pronounced and recorded, it was our duty to act upon it. From those who fill responsible situations, the country has a right to expect, not that they should be slow of conviction to important truths in matters of political economy; but that they should be cautious in deliberating, before they attempt to give them a practical application. The goad which is used to give increased impetus to the machine, is an instrument more properly placed in other hands; the care of Government should rather be to regulate the drag, so as not to check the advance, but to maintain a safe and steady progress towards improvement. Has this been the principle of our policy on the subject now under consideration? Before I sit down, I think I shall prove, sir, that the system upon which Government have acted, has uniformly been guided by that principle. Need I remind the house, how frequently, and with what asperity, we have been charged, from the opposite benches, with reluctance and tardiness in carrying into execution those principles of an enlarged and enlightened policy, in matters of commerce, upon which all parties were said to be agreed? Year after year, have we been urged, by the force of public opinion out of doors, and by the earnest remonstrances of hon. members within, to adopt the very measures against which a senseless clamour is now attempted to be excited. Who were the first, and the most earnest, in suggesting these measures—aye, and in wishing to push them to extremes—but some of those very persons whom we now find arrayed against us, and against those principles which they formerly supported? By whom was the petition which I have just read to the house presented? By whom was the prayer of it advocated? After great note of preparation—after a formal notice of what was about to come—this petition, sir, was brought down, on the 8th of May, 1820, by the hon. member (Mr. Baring). He it was, sir, who introduced it to the attention of the house, in a long, but able and elaborate speech; too long to be read by me now, as I have read the petition; although, by so doing, I should add a most luminous commentary in support of the doctrines of that petition, and should best show, by what force of argument and weight of authority, the hon. member then contended for those measures which the house is now called upon to condemn, and in which condemnation he himself appears disposed to concur. After mentioning the petition, and the great respectability of the gentlemen by whom it was signed; and after regretting, that 'there was in the then circumstances of public embarrassment much, to which no remedy could be applied, at least, no parliamentary remedy,' the hon. gent. went on to say, that 'the first desideratum was such security and tranquillity in the country, as would enable the possessor of capital to employ it without apprehension.' The house will recollect, that the period at which this petition was laid upon our table, was one of great public distress; and, in that respect, it but too much resembled the present time. Now, however, though the country is again visited with pecuniary pressure, and though the labouring classes



ty of them) are suffering great privations the want of employment, I feel confident we shall not witness the same danger toerty, or the same disposition to violence, hat that time prevailed in the manufacturistricts. I feel confident, that the unfortun individuals, who, in 1820, allowed themselves to be misled by unprincipled agitators, recollect how much their sufferings wereased by listening to pernicious counsels—sels which may prolong and aggravate, but h can, in no case, abridge or relieve their thens—and that they will not, a second, lead a willing ear to those who would lead on to their destruction. I trust they will duct themselves under their present diffices, as to conciliate the regard and sympathy every other class, and to excite in the ms of those, from whom alone they can ex-assistance, no other feelings than those of nens and benevolence. Sir, after 'secu-and tranquillity,' the hon. member (Mr. ng) proceeded to say, that 'the second deatum was, as great a Freedom of Trade as compatible with other and important con-utions.' In the opinion of the hon. mem-at that time, a free trade was the very eas of commercial prosperity; and, there-he pressed us to adopt, all at once, the m which we have since gradually intro-nd. The hon. member then proceeded—as s since done, upon several occasions, and rd, in this session—to tax my rt. hon. friend Chancellor the Exchequer) who then filled ituation which I now hold, and the other bers of Government, with apathy, and a indifference to the distressed state of the facturing districts. 'So far were they,' the hon. member, 'from being sensible of necessity of some exertion, that they went from year to year, trusting that the next would be spontaneously productive of favourable change, and, apparently, with indistinct notions of what the real condi- of the country was. Whenever a question between two classes of the community, stament, without seeming to have any lon of their own, stood by, until they ascer-nd which party could give them the most tual support. If the house looked back to arlier period of those which were still our times, they would behold a different pic-; they would find Mr. Pitt engaged in ing a commercial treaty; and, amidst diffi-ies of every description, boldly taking lever steps appeared to him to be the best elated to advance our commercial prospe-. He wished that he could see a little of same spirit in the present day; but, ind of that, ministers were balancing one y against another, and trying how they d keep their places from year to year; lecting, in the meanwhile, all those great mercial and national questions to which r most lively attention ought to be direct.—The hon. member then went on to say— I perfectly agree with him—that 'the doctrine which the petitioners wished to hat, was that fallacious one, which had, of years, arisen, that this country ought to ist on its own produce; that it was wise, the part of every country, to raise within lf the produce requisite for its consump-.'—'It was really absurd to contend,' tised the hon. member, 'that if a country, selling any article of manufacture, could

purchase the produce which it might require, at one half the expense at which that produce could be raised, it should nevertheless be precluded from doing so.'—This is unquestionably sound doctrine, and I readily admit it. But, how is it to be reconciled with the doctrine, which is now maintained by great authorities out of doors, as that which ought to be the rule of our commercial policy? According to these authorities, to which we have now to add that of the learned seconder of the present motion, prohibition is the only effectual protection to trade: duties must be unavailing for this purpose, because the influence of soil and climate, the price of labour, the rate of taxation, and other circumstances, are constantly varying in different countries, and consequently, the scale of protection would require to be varied from month to month. But, what is the legitimate inference to be drawn from this exclusive system? Can it be other than this—that all interchange of their respective commodities, between different countries of the world, is a source of evil, to the one or the other?—that each country must shut itself up within itself, making the most of its own resources, refusing all commerce with any other country, barbarously content to suffer wants which this commerce might easily supply, and to waste its own superfluous productions at home; because, to exchange them for the superfluities of that other country, instead of being an exclusive advantage to either party, would afford an equivalent benefit to both. This is the short theory of prohibitions, which these sage declaimers against all theory are so anxious to recommend to the practical merchants of this country. But, if this system be wise and just in itself; if, for the reasons alleged in its support, it be necessary for the protection of British industry, let us see to what it leads. Can this country command labour on the same terms as Ireland? Is the scale of taxation the same? Are the poor-rates the same in the two countries? Is there any country in Europe which, more than Ireland, differs from Great Britain in these and many other particulars, affecting their commercial relations? Does it not follow, that, if we admit the system of prohibitions now recommended to us by the learned member, we must prohibit all commercial intercourse with Ireland,—we must revive those laws which forbade the manufactures, and repelled the productions of her soil,—we must sacrifice the mutual benefits which both parts of the empire now derive from the unrestricted freedom of intercourse,—we must again revert to the prejudices of our ancestors? And for what?—because, from prejudices certainly less pardonable, if not from motives less sincere, than those of our ancestors, a senseless clamour has recently been raised against the present system of our commercial policy. I have no desire to disturb the partisans of the opposite system, in the enjoyment of their favourite theory. All I ask of them is, a similar forbearance towards us. Let each system be fully and fairly tried. For the sake of freedom of trade and industry, and for the sake of England, let England be the field of trial for our system. For the sake of prohibition and monopoly, let the system of our adversaries also be fairly tried; only let the trial be made upon some other country. But, can prohibition ever be tried under circumstances of greater favour than it now experiences in Spain? In that



flourishing country, prohibition has been carried to the very extreme. There, restriction has been added to restriction,—there, all the fruits of that beautiful system are to be seen, not yet, perhaps, in full maturity, but sufficiently mature to enable every one to judge of their qualities. Spain is the best sample of the prohibitory system; the most perfect model of fallen greatness and of internal misery, of which modern civilization forms an example,—an example to be traced, not only in the annihilation of her commerce and maritime power, but in her scanty revenue, in her bankrupt resources, in the wretchedness of her population, and in her utter insignificance among the great powers of the world. The commercial policy of Spain is simply this,—to admit nothing from other countries, except what the smuggler brings in. And the commercial wisdom of the learned seconder of the present motion is equal to that of Spain.—I must now beg the house to indulge me for a little, while I endeavour to go through the detail of the specific measures recommended in the speech of the hon. member (Mr. Baring) on presenting the London petition. It will be perceived how false and unfounded are all those clamours which have been heaped upon me and my rt. hon. colleagues, for having unnecessarily made those alterations in our system of commercial policy, which, if I am to believe certain gentlemen, have plunged this country into misery and ruin. The hon. member (Mr. Baring), who is so great a practical authority,—the greatest, perhaps, this country affords—did not content himself, in his speech, with stating general principles. He referred to details; and, as I have just observed, he proposed measures of relief of a specific and particular nature. These propositions the house, I hope, will permit me to go over, one by one, in order to show that Government have not been wanting in attention to the suggestions of the merchants of the City of London, nor backward in adopting their remedies, and recommending them to the consideration of the house. The first measure pointed out upon that occasion, and recommended in the warmest terms to the attention of ministers, for the relief of the country, was ‘an alteration of the duty on the importation of wool.’ ‘What can be so absurd,’ said the hon. member, ‘as a tax on the raw materials of our manufactures?’ Accordingly, he urged the abolition of the duty on the importation of foreign wool, dyeing drugs, and such other articles as are used in the great manufactures of this country. What, at that time, was our answer to this proposition? Why, this,—‘We have no objection to take off the duty on the importation of foreign wool, provided you will consent to allow the free exportation of British wool.’ ‘No,’ said the woollen manufacturers, ‘take off the duty on foreign wool, if you please; but keep in force the law which prohibits the exportation of British wool from this country.’ To this proposal we would not agree. We could not, upon any principle of justice, open our markets to an untaxed article of foreign growth, unless the manufacturer would concede his monopoly over the like article of our own growth. After years and years of struggle and conflict, we at last succeeded in convincing our opponents that the duty on foreign wool might be taken off, and the prohibition to export British wool be repealed, without endangering their interests. And what has been the result?

Where is the ruin that was so confidently predicted? I own I am more and more distrustful of the predictions of these practical authorities. Instead of our manufactures being ruined; instead of the fulfilment of the assurances, that all the British wool would be exported, to the utter destruction of our manufacturers, and that from their destruction the foreign wool would no longer be wanted in this country,—what has been the real effect of this measure? Why, that since the removal of the restrictions on the export, we have sent abroad the amazing quantity of 100,000 lbs. weight of British wool; while of foreign wool we have imported no less a quantity than 40,000,000 lbs. weight (loud cheers). This, sir, is not speculation. It is practice and result against speculation. We removed the restrictive and prohibitory duties, and the consequences were, that we imported an excess of the foreign raw material, while we exported, comparatively, none of native growth—because, we had a better market for it at home. Good or bad, therefore, the first measure recommended to the attention of ministers by the hon. member, has been carried into complete effect. The second measure proposed for our adoption by the hon. member, was a general revision of the revenue laws, with a view to their simplification. The hon. member stated—and he stated truly—that those laws were so numerous, so complicated, and so contradictory, that mercantile men could not understand them—that they were at once a great impediment to trade, and a source of vexation and oppression to all who were engaged in it—that no man, however innocent his intention, could escape their penalties; that, therefore, it was the bounden duty of Government to simplify and consolidate them. The task was one of great magnitude and difficulty; but we did not shrink from it. My rt. hon. friend, the Chancellor of the Exchequer, devoted a great deal of time and attention to the subject; but, I am free to admit, that we never could have succeeded in our undertaking, without the assistance of an official gentleman, in the service of the Customs\*, a gentleman of the most unwearied diligence, who is entitled, for his persevering exertions, and the benefit he has conferred on the commercial world, to the lasting gratitude of the country. Of the difficulties of the undertaking, the house will be enabled to judge, when I state that there were no fewer than five hundred statutes, relative to the Customs alone, to wade through; independently of the numerous enactments concerning smuggling, warehousing, the plantations, &c. In the performance of this duty, we had innumerable difficulties to encounter, and battles without end to fight. And now, sir, in one little volume†, which I hold in my hand, are comprised all the laws at present in existence, on the subject of the management and the revenue of the customs, of navigation, of smuggling, of warehousing, and of our colonial trade, compressed in so clear and yet so comprehensive a manner, that no man can possibly mistake the meaning or the application of them. I do not say this to boast of the successful result of our labours. It was the duty of Government to do what it has done. I only adduce it to show, that this, the second

\* J. D. Hume, Esq. Comptroller of his Majesty's Customs in the port of London.

† Laws of the Customs, by Mr. Hume.



recommendation of the hon. member, as the organ of the commercial world, has not been disregarded. Then comes the *third* recommendation of the hon. member; namely, that we should do away with prohibitions altogether; and substitute, in all cases, protecting for prohibitory duties. I will beg leave to read a short extract from what I consider a very accurate report of this part of the hon. member's speech: 'Another desirable step,' said he, 'would be to do away totally with prohibitions, as much as possible.' To be sure, sir, it may be difficult to reconcile 'totally' and 'as much as possible' (a laugh); but, I have no doubt, the hon. member's meaning was to express his thorough detestation of the prohibitory principle. 'Where,' he continues, 'protection for particular manufactures is considered to be necessary, it ought to be in the form of duty, and not in that of prohibition. Prohibitions had, no doubt, seriously injured the revenue, by the encouragement which they gave to smuggling. The customs had fallen off a million and a half, in the course of the last year. He was sure that a good deal of that defalcation might be ascribed to prohibitions' (cheers). I entreat the house to attend to what follows in the speech of the hon. member: 'Nothing could be more absurd than to suppose, that any prohibition would prevent the introduction of the articles which were in demand. The fact was, that at an advance of twenty or twenty-five per cent., all *light* prohibited articles might be had at our doors. He would not say which sex was most to blame, but such was the fact.' Now, here we have the opinion of a practical man, who had come to this conclusion, after collecting the best evidence upon the subject, during his repeated visits to Paris. Indeed, I cannot help thinking, that the hon. member had silk, and nothing but silk, in his view, at the time when he made these allusions. The hon. member has long been a professor of those doctrines, which he now reprobates me for upholding, as much as he then censured the Government for not more readily adopting. Even in the year 1817—also a period of distress—I find the hon. member declaring to the house, that, 'in the article of silk, smuggling was carried on to a very great extent; a proof of which was to be found in the fact, that although silks were in much greater use now than formerly, yet that the British manufacturer was ruined' (loud cheers). So that it appears, sir, that in the year 1817, the silk manufacture, which, according to the doctrines of the present day, can only flourish under a system of prohibition, was, in that year, in a state of ruin, owing to prohibition.—The stagnation and embarrassment of 1816 and 1817 were followed by a state of unusual commercial activity. In like manner, the depression of 1822 and 1823 terminated in the extraordinary spirit of speculation which marked the autumn of 1824, and the spring and summer of 1825. It is not irrelevant to the present discussion to compare these two periods, each commencing with commercial distress, and each ending in over-trading—each marked, in its first stage, by a great contraction of our paper circulation, and the accumulation of a vast amount of gold in the coffers of the Bank, and, in its second, by a great expansion of our circulating credit, and by the re-exportation of most of the gold which the Bank had previously accumulated. This comparison, whilst it connects itself with the

question now under our immediate consideration, is calculated to throw some light on the equally important question of the currency, which, at this moment, occupies so much of the attention of parliament and of the country. At the beginning of 1817, 'the Bank,' as we are informed by the Report of the Committee of 1819, 'possessed a larger amount of cash and bullion in their coffers, than they had been in possession of at any former period since their establishment.' With this accumulation, they gave notice of a partial resumption of cash payments, engaging to pay in gold all notes under 5l. From the beginning of 1817 till the month of July in that year, the whole demand for gold coin, under this notice, did not exceed 38,000l.; but in consequence of a great augmentation of Bank paper in August 1817 (exceeding, by upwards of three millions, the amount of the corresponding month in the preceding year), and of a like augmentation of country paper, the foreign exchanges were turned against this country; and, from that moment, the gold was withdrawn from the Bank with greater rapidity. In the course of the following eighteen months, many millions of coin were thus put into circulation, without any corresponding diminution in the amount of Bank notes;—or rather, to speak more accurately, these millions, as soon as they were taken from the Bank, were sent to France and other parts of the continent, till the treasure of the Bank was very much reduced at the beginning of 1819; and then the amount of their notes was again contracted. This contraction was followed by a great depression of commerce, and of prices, in the subsequent years. During this depression, the Government were frequently called upon, as they are now called upon, to give relief, by an issue of commercial Exchequer-bills; but our first object, then, was permanently to restore—as our first object, now, is effectually to secure—a system of cash payments; the success of which might have been endangered by this mode of relief. So much for the first period, as far as relates to our currency. In the first stage of the second period (1822, 1823, and a part of 1824), the Bank again accumulated an amount of gold, greater even than what it possessed at the beginning of 1817. Between September 1824 and November 1825, that gold was again taken out of the Bank, under all the like circumstances of the foreign exchanges being against this country, and with the like results as had occurred in 1818. Again, notwithstanding the issue of so many millions of coin, the amount of Bank notes and of country paper was increased: again, these millions so issued were, for the greatest part, exported; and again, in the autumn of 1825, the Bank was driven to take precautions, by contracting its circulation, in order to protect its remaining treasure. What has since occurred is known and felt by all.—So much for the currency; now for the trade. In 1816 and 1817, during the first absorption of treasure by the Bank, the amount of silk imported was, upon the average of the two years, 1,150,807 lbs.;—in 1818, during the first flight of our coin to the continent, that importation was raised to 2,101,618 lbs., being an increase of 81 per cent. Of sheep's wool, the average importation of the first two years was 11,416,853 lbs.;—in the year 1818 alone, the quantity was 26,405,486 lbs., being an increase of 130 per cent. Of cotton wool, the average



of the two first years was 423,580 bales:—the amount in 1818, was 660,580 bales, being an increase of 57 per cent. Let us now compare the import of the same articles in the years 1823 and 1824, with the import of 1825. It will turn out as follows:—Silk, average import of 1823 and 1824, 2,780,600 lbs.:—import of 1825, 4,231,673 lbs., being an increase at the rate of 50 per cent. Sheep's wool, average import of 1823 and 1824, 167,120,065 lbs.:—import of 1825, 222,437,616 lbs., being an increase at the rate of 33 per cent.\* I will not go more at length into this subject. It would lead me too far away from other topics, growing more immediately out of this debate, to which I have still to advert; but I have said enough to point out to those who take an interest in these matters, the intimate relation that exists between our currency and our trade; to show in what manner the expansion of our paper circulation, combined with an unfavourable foreign exchange, leads to over-trading, till over-trading again forces a contraction of the currency: thus producing those alternations of extravagant excitement and of fearful depression, which this country has so often experienced of late years; alternations, of which the consequences are at once so dangerous to men of capital—so distressing to the labourers who depend for employment on that capital—and so subversive of those principles of security to property on which the prosperity of every commercial state must ultimately rest. The immediate inference which I draw from this comparison is, that the present stagnation in the silk trade is more produced by the late alternation, than by any effect of the law which will come into operation next July.—To return, sir, to the speech of the hon. member (Mr. Baring). The fourth point to which he called the attention of Government, was, the state of the Navigation laws. The change which the hon. member recommended would, in fact, have amounted to the total repeal of those laws. He thought, 'that no restriction ought to be held on foreign ships importing into this country, whether the produce was of their own, or any other country.' Accustomed to look on these laws as the prop of our maritime power, and to watch with a jealous eye any encroachment upon them, we could not consent to this sweeping principle of innovation. On the other hand, we professed ourselves ready to inquire, how far some of their regulations, inconvenient to trade, might be dispensed with, without prejudice to the higher political objects for which these laws were originally enacted. This inquiry was gone into with great care, by a committee, over the labours of which my rt. hon. friend (Mr. Wallace) presided; and the result has been that, by his zeal and diligence, several measures have been introduced to the house which have led to a relaxation in those laws, highly beneficial to the commerce of the country, and in no way injurious to our strength as a maritime power. But the principle of those laws is still retained. In this instance, certainly, we have not been able to go all the

\* These returns for the years 1823 and 1824, are made up from January to January, and for 1825 from October 1824 to October 1825;—the return to January 1826 not being received.

lengths recommended by the practical men; but be it recollected, that the charge against which I am now upon my defence is, that we are theorists. The fifth point which was strongly recommended by the hon. member (Mr. Baring), was the removal of the transit duties on German linens, and some other articles of foreign produce. At the very time that the hon. member was pressing for this removal, he must have been aware, that ministers were sensible of the impolicy of these restrictions, and that they were desirous, not only to get rid of them, but also to revise the whole system of bounties and drawbacks. But he could not be ignorant of the complication of interests, and the difficulty of detail, which we had to encounter in every stage of this undertaking. He could not be ignorant of the prejudices by which this system was upheld. For the abatement of those prejudices, we thought it more safe and more expedient to trust to the influence of time and reason, than, at all hazards, to encounter them at once by an act of power. This was our theory in 1820; and I am now happy to add that, by adhering to it, we have been completely successful. The transit duties have been all removed; and the system of bounties and drawbacks has undergone an entire revision, and been remodelled on an improved plan. To come to the sixth recommendation of the hon. member. He told us that 'it was of importance that we should alter our commercial regulations with respect to France. It was desirable,' added he, 'that all restrictive regulations between the trade of England and France should be removed; but, to do so, we must begin at home. It would be unfair to attempt a negotiation for a commercial intercourse, while we kept our ports shut against them. Let it be considered, that it was not by a restrictive system that this country had grown to such a pitch of greatness; but on the contrary, that such a system was a bar to that greatness. It was necessary also to remove an impression which our system of commerce had made abroad. We were looked up to as the first commercial nation in the world; and it was therefore believed, that we had adopted our restrictive or protecting system, from a conviction of its beneficial effects on our commerce. This impression it was our interest, as well as our duty, to remove, by altering our commercial regulations with foreign powers.' This advice of the hon. member, Government have also attended to. What have we done in this case? We have 'begun at home.' We have set an example to the nations of the continent. We have put an end to the restrictive system affecting France, as far as we could put an end to it; and we have invited France to follow in our track, by doing away with the obstacles existing on her part to a greater freedom of trade. France has taken a first step towards placing the intercourse between the two countries upon a footing of greater facility. This is a practical approximation on her part to the principle of a more enlarged system of commerce; a principle equally recognized by the most enlightened statesmen and the most leading merchants of that country—a principle which cannot fail to make its way in France, as it has made its way in this country, by discussion and inquiry; and which, in proportion as it gains ground, will confer advantages upon France, and by her and our example, furnish a salutary lesson to the rest of the world. As I have adverted to this subject, I will beg leave



to my one word as to the convention of navigation, recently concluded between the two countries, upon which a misconception appears to have gone abroad. I allude to the decree of the French government against the introduction of the produce of Asia, Africa, and America, through his country, into France, for home consumption. The regulation of this decree has been mistakenly considered as the effect of a stipulation under the convention. This I beg leave to deny. The decree is an act of the French government, quite independent of the convention. It might, and probably would, have been passed, had no such convention been made between the two countries. A similar law was proposed to the Chambers last year, and then only postponed. It is a regulation of which we have no right to complain, and against which we have no right to stipulate; because the like restriction exists in this country. That for which we had a right to stipulate, and for which we have stipulated, is, that if, in relaxation of this decree, any of the productions of Asia, Africa, or America, are admitted into France for home consumption, from this country, they shall be equally admitted, and upon the same duties, in British as in French vessels. I do not deny, that, beyond what is provided for by this convention, much might be done to improve the commercial relations of this country and France; but the basis is laid down, and the contracting parties have expressly reserved to themselves 'the power of making, by mutual consent, such relaxations in the strict execution of the article, as they may think useful to the respective interests of the two countries, on the principle of mutual concessions, affording each to the other reciprocal or equivalent advantages.' The development and further application of this principle must be left to time, and to an improved state of public opinion in France. But I confidently appeal to the house, and to the hon. member, to say, whether the best course for doing away with prejudices and unfavourable impressions on the Continent, would be for us to retrace our steps, to re-enact the old prohibitions and restrictions, and to exclude foreign merchandise and foreign shipping, as we had formerly done.—Seventhly, and lastly, the hon. member recommended to Government 'an extension of our trade with British India.' In answer to this suggestion, it is only necessary for me to say, that our attention has been incessantly directed towards that desirable object. We have left no steps untried, to prevail on the East India Company to consent to an enlargement of the private trade. To a certain point we have succeeded, though not to the extent of our wishes. If all that the hon. member sought for has not been done, the fault is not ours: we have no means of compelling the Company to comply with the wishes of the merchants. The vested rights of that corporation have been conferred upon them by parliament; and, inconvenient or not, we are bound to respect those rights, till the expiration of that period for which they have been granted.—These are the principal improvements which were urged on the Government of the country, in the year 1820, by the hon. member (Mr. Baring); speaking, be it always remembered, in the name and on the behalf of the merchants of London. To all of these suggestions, I say, his Majesty's ministers have attended. My rt. hon. friend (the Chancellor of the Exchequer) Sess. 1826.

replied to the speech of the hon. member on that occasion. He repelled the accusation of the hon. member, that the Government were insensible to the sufferings of the people. He avowed his desire to proceed in the course that was recommended; but he, at the same time, represented the difficulties by which his endeavours had, till then, been opposed. Did the hon. member acknowledge himself satisfied with the assurance and explanation of my rt. hon. friend? By no means, sir. So eager was the hon. member for the immediate enforcement of these important changes, that he concluded his reply to my rt. hon. friend in the following terms:—'As to the petition itself, the principles which it contained had met with so unanimous a support, that he wondered whence that opposition could come, by which the rt. hon. the President of the Board of Trade (Mr. Robinson) seemed to be deterred from attempting any reform of our commercial system; and he could not help expressing a hope, that, for the future, that rt. hon. gent. would not listen entirely to the suggestions of others, but, in treating the subject, would rely on his own excellent understanding.' With this admission the debate closed. The recommendations of the hon. member—the great authorities from which they originated—convinced the Government that the time was come when they might go forward with measures to which they had long before avowed a friendly disposition. The consequence was, a determination, on their part, to institute an inquiry before a committee of this house, in order to ascertain how far, and by what course of proceeding, the steps recommended, and any others founded upon the same principles, could be acted upon for the general improvement of the commerce of the country.—In the other house of parliament, a committee was sitting, whose labours were directed to the same object. This committee had been appointed upon the motion of a noble marquis (Lansdowne), who had at all times taken the liveliest interest in whatever relates to the trade and commerce of the country; and whose principles in these matters, unlike to the grasshopper on the Royal Exchange, do not veer about with every change of the wind, or with every fluctuation in the speculations of those who transact business in that Exchange. One of the subjects which particularly engaged the attention of the noble marquis, and of the committee over which he presided, was the state of the silk trade. They heard evidence, they called for papers, and they examined witnesses from every quarter. What was the result of their investigation? Why, sir, they state in their report, that 'it appears to the committee, that there are no bounds to smuggling under the prohibitive system; and that, in the opinion of the committee, protecting duties might advantageously be substituted for prohibitive ones.'—Such was the view taken by the committee of the House of Lords in 1821. I will not detain the house by going at length into the course of inquiry by which they arrived at this conclusion. But some attempt has been made this night to undervalue the evidence of two merchants from the United States, who were examined before the committee; and examined, be it recollected, upon oath. These two merchants came to Europe for the purpose of purchasing silks. They first visited France, and then they came to England. They could be actuated by no other interest than that of



procuring silks on the cheapest terms. And what was their evidence? On being asked as to the relative cost of the silks of France and the silks of England, one of them said, that 'he had bought goods in France and in England; and that the difference, when the quality was equal, was from twenty to twenty-five per cent.' And the other said, that 'the difference did not exceed twenty per cent.' But both of them stated, that, in the article of silk hosiery, price and quality considered, they greatly preferred the English manufacture to that of France. The report containing this evidence recommended an alteration of the laws relative to the silk trade, by the removal of the duty on the raw material, and of the prohibition on wrought silks. Hon. members, however, are aware, that the House of Lords could not, from the nature of the proposed change, initiate a measure, to carry into effect the object of this report. Nothing further took place till 1823, when the hon. member for the City of London (Mr. T. Wilson) came down to this house with a petition from the master manufacturers of Spitalfields, praying for a repeal of what is generally called 'The Spitalfields Act.' Thus, as the house well knows, was a law for regulating the mode of working in that district, and for enabling the magistrates to fix the rate of wages to be given for each description of work: in short, a most unjust law to remain upon the statute book; but the professed object of which was, to protect the men against the exactions of their masters. The only possible excuse for having ever passed such a law is, that, when it was passed, the masters had a monopoly of the silk manufacture in this country. I will tell the house why I state this. A deputation of the weavers of Spitalfields waited upon me, and my rt. hon. friend the other day. They are a sincere, well-meaning, and, certainly, a well-behaved body of men. After hearing their representations, I was satisfied that if I had put it to them to make their choice between the revival of the Spitalfields act, or of the prohibitory system—if I had said to them, 'You cannot have both a prohibition and the Spitalfields act, but you may have either the one or the other; take your choice!'—they would have instantly said, 'Give us the Spitalfields act, and let the prohibition go to the winds.' As much for practical feeling, which is now urged in opposition to what is called theory! And here I must beg leave shortly to refer to the doctrine laid down in the petition presented in 1823, by the hon. member (Mr. T. Wilson), to which I have just alluded. The petitioners state, 'that with our unlimited supply of silk from our territories in India, we might be independent of the rest of the world; that with our great command of capital, and the unrivalled skill of our artisans, the manufacturers did not fear the competition of any foreigners; and that with a free trade, silk would become, like cotton, one of the staple manufactures of the country.' I do not mean to accuse these petitioners of making this statement, in order to entrap the public, and to induce the parliament to take measures, which they knew would involve their own manufacture in distress: but, I have a right to refer to their petition, as well as to the more general petition of the merchants of London, to show that the measures which ministers have taken, are neither the offspring of theory, nor measures which they carried in opposition to the prevailing

opinion of the country, or of the trade. They brought forward their measures, because they were convinced that they were founded in sound policy: but not till they were satisfied that they would meet with the concurrence and support of those who had a more immediate interest in their result. So far was Government from any precipitation in carrying them into effect, that it was not till the year 1834, that they determined to propose the repeal of the duty on the raw material, and to permit the importation of foreign manufactured silk, subject to a protecting duty. They were aware that, without taking the duty off the raw material, they could not attempt this improvement; but, as soon as my right hon. friend (the Chancellor of the Exchequer) was enabled, by the flourishing state of the finances, to reduce taxation, he did not hesitate to remove this duty, as the necessary preliminary to the removal of the prohibition. From that moment, we lost the support of the hon. member (Mr. Baring), to whom I have so often alluded; and his voice was only heard in opposition to measures, which he had so long been recommending for our adoption. My right hon. friend (the Chancellor of the Exchequer) having, on the 23d of Feb. 1834, stated generally to the house, what it was our intention to do, it fell to my lot, on the 6th of March, to open the measure more in detail. Then it was that I heard, for the first time, of the serious opposition which the proposed measure would receive from the hon. member (Mr. Baring). Then it was, that, seconded by the hon. member who opened the debate of this evening, he declared, that, by the end of the two years, which I proposed to allow before the prohibition should finally cease, the Silk trade would be destroyed. This delay I now consider to have been its greatest error that was then committed, and the origin of our present difficulty, as far as this trade is concerned. 'Thus,' said the hon. member (Mr. Baring), 'who propose this new plan, are completely ruining the Silk manufacture of England. The moment this plan is promulgated, the great object of all who have capitals embarked in the manufacture will be, to disentangle those capitals; and those who have no capital, except their labour, will be left to struggle for themselves, and probably to perish, for want of employment.' Such, in 1834, were the gloomy forebodings of the hon. member. Experience has made me rather obdurate to all such prophecies: for, so many are daily made by individuals whose fears are excited, or who, when they suppose their particular interests to be at stake, attempt to excite fear in others, that I must have abandoned every measure which I have brought forward for improving our commercial policy, had I allowed myself to be acted upon by such forebodings. Last year, for instance, I received representations from the Iron trade—day after day, and month after month: but I could not share in their alarm. I must state this, however, with one exception. There exists in this country one considerable establishment, in which iron is smelted by charcoal in great perfection, but at a heavy expense. This iron is held in equal estimation with the best from Sweden; but there was reason to apprehend, that it could not, under the reduced duty, maintain itself in competition with the latter. The establishment in question belongs to a most respectable and scientific gentleman, well known to many members of



this house—Dr. Ainslie. Having heard this statement, I told him that, although I could not alter a general measure to meet one particular case, I would endeavour to devise some other mode of relief, if he should be overwhelmed by the competition. And, what does the house think has been the result? Sir, within the last fortnight, that respectable individual has sent me word, through an hon. member of this house, not only that his fears have not been realised, but that my most sanguine hopes had been confirmed—that his trade, in fact, had in no degree suffered by those very measures which he apprehended would have been fatal to it; and that it was, upon the whole, in a very flourishing state. Let us now see how far the predictions of the hon. members (Mr Baring and Mr. Ellice) have been realised. These predictions were that the silk trade would be annihilated, in the course of the two years allowed to the manufacturers to prepare for the change. The bill passed this house in the Spring of 1824; and during the rest of that year, the silk trade went on flourishing and increasing, in the face of this threatening annihilation. In the Spring of 1825, there prevailed a degree of excitement—a spirit of speculation—an extension of demand in this manufacture—to a greater degree than had ever been witnessed before, in almost any branch of trade. It was in 1825, that so many new factories were erected; so many new mills set at work; so many new looms occupied. The old mills were not sufficient; many new ones were raised, the erection of each of which, I am assured, did not cost less than from 10,000l. to 15,000l. and several of these new mills have not even yet been roofed in. Thus, at the very time when, to satisfy the prediction of the hon. member (Mr. Baring) this trade should have been in a state of rapid decline, the manufacturers were building to an excess that had never been equalled in the periods of their greatest prosperity. The learned member (Mr. J. Williams) has alluded to the present condition of the town of Macclesfield. I know what misfortunes and bankruptcies have occurred there; and I feel the deepest and most undissembled sorrow for the sufferings of that population. I am aware of their distressed state at this moment. But I cannot help thinking, that the learned member, in stating their situation, should also have stated some of the circumstances which have aggravated, if not created, their present difficulties; for certain it is, that the spirit of speculation has in that town been carried to the greatest extravagance. According to the last census in 1821, the whole population of Macclesfield amounted to 17,746 souls. Now I will suppose that, between that year and the year 1825, it increased to 20,000. What then, in that year, was the demand for additional labour, in the silk manufacture alone, of that town? I have seen, and many other gentlemen have no doubt seen, in a Macclesfield newspaper, of the 19th of Feb. 1825, the following Advertisement:—‘To overseers, guardians of the poor, and families desirous of settling in Macclesfield. Wanted immediately, from four to five thousand persons’ (cries of hear, hear). The house may well express their surprise; but I beseech their attention to the description of persons required by this advertisement—‘from seven to twenty years of age’—so that the silk manufacturers were content to receive children of the tender age of only seven years

—to be employed in the throwing and manufacturing of silk. The great increase of the trade having caused a great scarcity of workmen, it is suggested, that this is a most favourable opportunity for persons with large families, and overseers who wish to put out children—(children of seven years of age)—as apprentices, to ensure them a comfortable livelihood. Application to be made, if by letter, post paid, to the printer of this paper.’ Humanity is not the least remarkable part of this precious document; and the house will not fail to observe, how admirably the cruelty of confining children of seven years of age, to labour in a silk mill, for twelve or fifteen hours out of the four-and-twenty, is tempered, by the inducement to parents to provide for their families for life. What sort of provision that has been, the present wretched state of those helpless infants will best evince. And here I cannot help observing, that, at the very time such an invitation was sent forth to overseers, and parents, by the owners of silk mills, this house was very properly occupied in passing a bill, to prevent the employment of children under nine years of age in cotton factories. Very soon after this advertisement, and before the mills were finished, in which these children were to be immured, there appeared, I have been assured, another advertisement, nearly in the same extravagant style:—‘Wanted to be built immediately, one thousand houses!’—doubtless, to contain the five thousand new inhabitants. Yet, all this took place in 1825; just one year, according to the hon. member (Mr. Baring) before the silk trade was to expire for ever. I ask then, what weight can be given to the predictions of those, who, in the face of these striking facts, continue to assert, that the silk trade of this country will be annihilated, before the end of the next twelve months? Can any man wonder, after such an enormous extent of speculation—after such inhuman efforts to induce so many destitute children to flock into the manufactories—after such an influx of population—can any man, I say, wonder—all branches of this trade being now in a stagnant state—at most of these new comers being out of work at Macclesfield—or at the fact stated by the learned member (Mr. J. Williams)—his hair almost standing on end with horror—that eleven orders for the removal of as many paupers, had been made out in one week? Under ordinary circumstances, it could scarcely have been expected, that the silk manufacture alone could have formed an exception to the general reaction, which has followed over-trading and speculation, in every other branch of commerce; but, under the circumstances of peculiar excitement, which I have now stated, it would, indeed, have been matter of surprise, had it escaped its full share of the common pressure.—Sir, I feel that, upon this occasion, a heavy burden is imposed upon me. I feel that I have not only to defend myself from the attack of the hon. member (Mr. J. Williams), but to say something in behalf of my rt. hon. colleagues;—something in vindication of the house itself, for the course which they have pursued, in the adoption of the system of commercial policy which we recommended. As the whole of that system has been so vigorously attacked, I shall, I trust, be excused, if I touch, very briefly, upon the proceedings of the last session of Parliament:—when, in furtherance of that system, and with the cordial concurrence of this house, I brought



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 WOULD BE MOST EFFECTUAL TO THIS OBJECT.  
 BUT, I REMIND WHAT IS THE ADVANTAGE OF PROHIBITION,  
 OVER A PROTECTING DUTY OF 30 PER  
 CENT. I SAY OF 30 PER CENT. BECAUSE I NEVER  
 MET A MAN, WITH A SINGLE MERCHANT OR MANU-  
 FACTURER, WHO DID NOT ADMIT THAT, IF A HIGHER  
 PROTECTING DUTY WERE IMPOSED, THE SILENT  
 FLOW OF GOODS WOULD BE THROWN INTO THE  
 HANDS OF THE SMUGGLER. THE QUESTION, THEN,  
 IS, AS A MATTER OF PRACTICE, IS THIS:—IN WHAT DE-  
 GREE IS IT BETTER, AS AGAINST SMUGGLING,  
 THAT A MODERATE DUTY—20—BY WHICH I  
 MEAN A DUTY SUFFICIENT TO PROTECT THE BRITISH  
 MANUFACTURER, WITHOUT BEING SO HIGH AS TO AFFORD  
 A PRETEXT TO THE SMUGGLER. IN THE FIRST PLACE,  
 IT CANNOT BE DENIED, THAT THE FEELINGS OF MAN-  
 NED ARE MORE LIKELY TO RESTRAIN THEM FROM  
 COMMITTING A FAULT, THAN FROM VIOLATING A CUS-  
 TOM-HOUSE PROHIBITION. I AM SURE IT WILL BE  
 CONCEDED TO ME, THAT MANY HON. PERSONS, WHO  
 WOULD NOT, FOR ANY TEMPTATION, BE PARTIES TO A  
 CONTRIVANCE TO EVADE A TAX, AND THEREBY TO ROB  
 THE PUBLIC REVENUE, WOULD FEEL VERY LITTLE  
 SCRUPLE IN WEARING AN ARTICLE THAT IS ABSOLUTELY  
 PROHIBITED, AND THE INTRODUCTION OF WHICH IS NOT  
 IN OPPOSITION TO ANY MORAL DUTY. SO FAR, THEN,  
 THE ARGUMENT IN SUPPORT OF THE ASSERTION, THAT  
 A PROHIBITORY LAW IS THE BEST CHECK UPON SMUG-  
 GLING, MAKES DIRECTLY THE OTHER WAY, AND IS IN  
 FAVOUR OF PROTECTING DUTIES. BUT THE GREAT,  
 INDEED THE ONLY ARGUMENT IN FAVOUR OF PROHIBITION,  
 IN PREFERENCE TO A PROTECTING DUTY, IS THIS—  
 THAT AFTER THE FORBIDDEN GOODS HAVE BEEN  
 LANDED IN THIS COUNTRY, AND WHEN THEY ARE IN  
 THE POSSESSION OF INDIVIDUALS, EVEN FOR THEIR  
 OWN USE OR CONSUMPTION, YOU MAY FOLLOW THEM  
 INTO PRIVATE DWELLINGS, YEA, INTO THE VERY POCKETS  
 OF THE WEARERS, AND SEIZE THEM UPON THOSE  
 PERSONS, IN THE KING'S NAME, AT THE BARE OR-



gestion of any common informer. To what does this power of seizing and examining all who may be suspected of possessing prohibited articles amount? Sir, it amounts to this—that if any man—no matter what may be his rank, be he the humblest peasant or the highest peer in the realm—be suspected of wearing, or possessing, a silk handkerchief of foreign manufacture, he is liable to have it taken from his neck or his pocket, and to have his house ransacked, from the garret to the cellar, in quest of contraband articles. If, without such a subsidiary regulation as this—a regulation which encourages the worst passions, engenders the most appalling perjury and crime, and which opens so wide a door either to fraud and collusion, or to intimidation and personal violence—prohibition cannot be sustained; then, sir, I say, in preference to such a system, let us, in God's name, have a well-regulated duty. And here I hope I may be permitted to digress for one moment, to ask, how a great constitutional lawyer—a staunch advocate for the popular character of our constitution—a zealous stickler for the inalienable rights of the people—a watchful guardian of the sanctity of an Englishman's private abode—how he could so entirely discipline and subdue his warm and heated feelings for the liberty of the subject, as to pour forth the declamatory harangue which we have heard this night from the learned member, in favour of this system of prohibition? But, even with the aid of this power of search and seizure, is prohibition an effectual remedy against smuggling? I have lately taken some pains to ascertain the quantity of smuggled silks, that has been seized, inland, throughout the kingdom, during the last ten years: and I find that the whole does not exceed 5000*l.* a-year. I have endeavoured, on the other hand, to get an account of the quantity of silk goods actually smuggled into this country. Any estimate of this quantity must be very vague; but I have been given to understand, that the value of such goods as are regularly entered at the custom-house of France, for exportation to this country, is from 100,000*l.* to 150,000*l.* a-year; and this, of course, is exclusive of the far greater supply which is poured in, through all the channels of smuggling, without being subjected to any entry. In fact, to such an extent is this illicit trade carried on, that there is scarcely a haberdasher's shop, in the smallest village of the kingdom, in which prohibited silks are not sold; and that in the face of day, and to a very considerable extent. The hon. mover has mentioned the silk goods from India, as those against which any thing but prohibition would prove an unavailing protection. Now, in my opinion, it is scarcely possible to conceive a stronger case than those very silks furnish against the hon. member's own argument. I believe it is universally known, that a large quantity of Bandana handkerchiefs are sold, every year, for exportation, by the East India Company. But does any gentleman suppose, that these Bandanas are sent to the continent for the purpose of remaining there? No such thing! they are sold at the company's sales, to the number of 860,000 or a million of handkerchiefs each year, at the rate of about four shillings each. They are immediately shipped off for Hamburg, Antwerp, Rotterdam, Ostend, or Guernsey—and, from thence, they nearly all, illicitly, find their way back to this country. Mark, then, the effect of

this beautiful system—this system so lauded by the learned member. These Bandanas, which had previously been sold, for exportation, at four shillings, are finally distributed, in retail, to the people of England, at the rate of about eight shillings each; and the result of the prohibition is to levy upon the consumer a tax, and to give to those who live by the evasion of the law, a bounty of four shillings upon each handkerchief sold in this country. That nearly all the Bandanas sold for exportation are re-imported and used in this country, is a fact not to be denied, even by those who are now most clamorous for prohibition. In a printed letter from a manufacturer of Macclesfield to the Marquis of Lansdowne, I find the following anecdote: 'It is the custom, in the parterres of the theatres in France, to secure the place, by tying a pocket handkerchief on the seat. I had the curiosity at the Théâtre Français, to notice the appearance of them; and, out of twenty-five, immediately around me, there was not one silk handkerchief.' I should have little doubt, if a similar custom prevailed in the pit of our theatre, that this accurate observer would find most of the seats decorated with handkerchiefs of prohibited silk. Nay, sir, if strangers were, at this moment, ordered to withdraw from the gallery; and every member were called upon (of course in secret committee) to produce his handkerchief, with the understanding, that those who had not prohibited handkerchiefs in their pockets were obliged to inform against those who had—I am inclined to believe, that the informers would be in a small majority. Upon every information laid under this prohibitory law, the chances are, that the informer and the constable have Bandanas round their necks, and that the magistrate, who hears the charge, has one in his pocket! Upon the motion of this evening, then, we have to make our choice between a moderate protecting duty, which can be collected, and is likely to be available; and the going back to the system of prohibition, which I have shewn to be productive of such mischievous consequences. But, since the repeal of the old law, a further difficulty has occurred in respect to prohibition. Two years ago, when a piece of silk was seized as foreign, the British manufacturer could, upon inspecting it, at once say, 'I know, and can prove, that this is not of the manufacture of this kingdom.' If asked, 'What is your proof?' he would reply, 'The superior quality and workmanship of the article: it is quite impossible, that any thing equal to it should have been manufactured in England. It wants that stamp of slovenliness and indifference to improvement, which is the sure characteristic of all silk goods made at home.' This is a very natural answer for monopoly to make; but, it comes with a bad grace from a British manufacturer. But, it may be asked, if excellence of fabric was, at that time, the proof that the article was not British, why is it not so still? I shall give the best answer to this question, by stating what has recently occurred. Soon after the alteration of our law, an extensive French manufacturer removed from Lyons to this country. He brought with him his looms and his patterns. Under his management and superintendence, two establishments were formed, one in Spitalfields, the other at Manchester. At both of these places he set weavers to work; fully satisfied, that a duty of 30 per cent. would afford him sufficient protection.



His improved methods—with sorrow I state it—excited the jealousy, and drew upon him the persecution, of the English manufacturers. They charged this industrious foreigner, boldly, and rashly, and—as in the end it was proved—most unjustly, with carrying on his trade here, merely as a cloak to cover the smuggling of foreign manufactured goods. In their mortification at his success, they even went the length of charging my hon. friend, the Secretary of the Treasury, and the whole Board of Customs, with being cognizant of the fact, and parties to this nefarious scheme for ruining the silk trade of England. This accusation was not merely insinuated in whispers: it was contained in a published report, inserted in the newspapers, and thus conveyed from one end of the kingdom to the other. This was not to be endured. The Treasury determined to sift the matter to the bottom. They knew that, neither at the Board of Treasury, nor at the Board of Customs, could any countenance or facility have been given to smuggling; but they thought it not impossible, that this French house might have been guilty of the irregularities imputed to them, and that these irregularities might have been connived at by some of the inferior officers. The accusers, therefore, were called upon to substantiate their charge, and were distinctly told, that the inquiry should be directed in whatever mode they might point out as most effectual. They said, the clearest proof would probably be found in the books of the party accused, if they could be got at. The books could not, certainly, be inspected without his consent. Did he hesitate on this point? So far from it, his immediate reply was,—‘You are welcome to inspect all the books in our house; and, that there may be no suspicion of garbling or concealment, let an officer go with me *instantly*, and they shall all be brought here’ (to the Treasury) ‘in a hackney coach.’ This was accordingly done. His books were subjected to a rigid examination. Every transaction connected with his business was found regular—the names of the weavers employed by him, the work which they had in hand, and their places of residence, were all duly entered. Taking with them a plan of Spitalfields, and without the possibility of previous notice or concert, proper persons went round to the particular houses which these books had pointed out; and, in every instance, they found the names of the men at work, and the goods upon which they were working, to correspond with the entries in the books. All this was most satisfactory to the Treasury, and the Customs. But the accusers persevered in their charge. They insisted, that the whole was a concerted plot; and that many pieces of silk in the warehouse of this foreigner, which he asserted that he had manufactured here, were, in truth, the productions of France. The Treasury, in consequence, resolved to sift the matter still farther; and again, it was left to the accusers to point out the mode. In order to prosecute the inquiry, they selected from their own body, the person whom they considered the most skilled in the knowledge requisite for the detection of such articles as might be contraband. And what, towards him, was the conduct of the party accused? ‘Go to my warehouse,’ said the Frenchman, ‘turn over all my goods; select from among them whatever pieces you please; and, on the proof of their being of English or of French manufacture, let my guilt

or innocence be finally established.’ The offer was accepted. The person employed by the British manufacturers turned, over and over, several hundred pieces of silk; and at length, after the whole ordeal was passed, the Board of Customs made known the result, in an official report which they transmitted to the Treasury. That report I hold in my hand. What is the substance of it? Why, that thirty-seven pieces had been selected by this agent of the accusers, as being, beyond all doubt, of French manufacture. What followed? These thirty-seven pieces were seized; and the Frenchman was put upon his proof, that they were made in this country. How did he prove it? By producing, one after another, the very men by whom every one of these thirty-seven pieces had been made; who proved, upon their oaths, in the most irrefragable manner, that every inch of these goods had been woven by themselves—Where? Not at Lyons—not in France—but in Spitalfields and Manchester (loud cries of *hear, hear*). I have stated these facts with feelings, I own, bordering on disgust. I cannot but think it humiliating, if not discreditable, to my countrymen, that an unprotected foreigner should have been maligned and persecuted, instead of receiving countenance and encouragement, for having transported his capital and skill in this country, and for being the first to set the example of great and successful improvement in our silk manufacture. But, how does this detail, into which I have entered, bear upon the present argument? It shews, in the clearest manner, that, if you continue to seize silk goods, in private houses, in shops, or upon individuals, you have now lost your former test, by which you could prove them to be of foreign origin. The most expert judge of such articles, it is now legally proved, cannot discriminate between the British and the foreign manufacture. Prohibition, therefore, has lost its only recommendation; it retains no advantage over a well-regulated duty. But appeals have been made to our compassion; and our feelings have been alarmed by the statement, that above 500,000 individuals are at present engaged in the silk trade, and that ruin must inevitably be entailed on this large and meritorious class of the community, if the old law be not restored. Now, supposing the number of persons employed in the silk manufacture to amount to 500,000,—their wages, I assume, cannot be less, one with another, than 10s. a week for each person. I have been told, indeed, that a considerable portion of this number are children, some of whom do not receive more than 1s. 6d. a week; and for this pittance, the hours of work in the mills, when the trade was brisk, I have been assured, were, from five in the morning till eight or nine at night. If this be so, let us not talk of the difference in the expence of labour between this country and France. Will it be said, that a French child cannot earn in the silk manufactory 1s. 6d. a week; and that, without working from fourteen to fifteen hours out of the four-and-twenty? Certainly not. Supposing, however, the average earnings of these 500,000 persons—(an exaggerated number, I am convinced)—to be ten shillings a week, thirteen millions of money would then be the annual amount of wages alone in this manufacture. To this are to be added, the interest on capital, and the price of the raw material: so that the value of the goods sold could not be less than eighteen or twenty mil-



lions sterling. This, however, I consider too high a calculation. The Lords' Report estimates the whole amount at only ten millions; but allowing for increased consumption since 1821, it may, perhaps, be fairly rated at twelve or fourteen millions, exclusive of the quantity smuggled in from the continent. If, then, fourteen millions of silk goods are about the annual consumption of this kingdom, what would happen, if, according to the predictions of the hon. member (Mr. Baring), the British manufacture should be annihilated after next July? We should not, I take it for granted, consume a less quantity of silk goods: the only change would be, that we should have them, as it is alleged, of a better quality, and at a less price. But all the goods so consumed would, on this supposition, have paid a duty of thirty per cent. on their importation; and the produce of that duty, consequently, would exceed four millions sterling. This large sum would be levied, without, in the smallest degree, abridging the comfort or enjoyment of any other class of the community. It would bring with it no increase of burthen upon the consumer of silk goods, and consequently no diminution of his means of consuming other articles. It would simply be the premium of monopoly transferred to the exchequer; and the capital for which this monopoly was created, would be set free, to give employment to other branches of industry. Such, certainly, would be the ultimate result, if the speculative fears of the silk trade should be realised. But of such an issue, I am persuaded, there is no risk. The whole consumption of silk goods in France is not equal to the consumption in England. Now, supposing when the bill comes into operation, there should be a greatly increased demand in this country for French silks—this new and additional demand would produce a corresponding advance in the price of the goods, and in the wages of labour, in France. To a certain extent, there may be such a demand, especially at the first opening of the trade; but I am convinced that, with the attention to economy which competition excites, with our improved machinery, our industry and ingenuity, and perhaps with the lowered prices of labour and the means of subsistence—a protecting duty of thirty per cent. will be found to be sufficient. The house is called upon, by the motion of the hon. mover, "to inquire." Has it never inquired before? Has the house of Lords entered into no investigation of the subject? And did not that investigation take place at a period, when taxation and prices were very considerably higher than at present? The country, too, at that time, was labouring under much distress; and the silk manufacture was suffering its full share of the existing difficulties. Was that inquiry loosely conducted? Certainly not. A noble marquis (Lansdowne) presided over the labours of the committee, alike distinguished for talent, for diligence, and for the soundness of his views, on all subjects connected with the commercial policy of the country. It was the opinion of that committee, after taking a mass of evidence on oath, that a duty of fifteen per cent. would be an adequate protection, instead of a duty of double that amount, under which the experiment is now to be made.—I have stated, too much at length, I fear, the grounds on which it appears to me, that this house ought not to entertain the present motion. This statement, I feel, must have appeared unne-

cessary to those who think with me on the subject of our commercial policy; and I dare not hope, that it has made much impression on those who are the declared advocates of the restrictive system:—those who belong to the same school of political economy as the hon. bart. the member for Staffordshire. In his enmity to all improvement, he told us, the other evening, that the ministers of the present day were only fit to form a council for the island of Laputa. Since this intimation of the hon. bart.'s wish to see us banished to that island, I have turned in my own mind, what recommendation I could take with me to that land of philosophers. Not a letter from the hon. bart., I can assure him; for he has given me to understand, that in mind, at least, he belongs to the Brobdingnagian age of this country. But I think I have hit upon that which would infallibly make my fortune at Laputa;—I will tell the hon. bart. what it is. At the time of the great bullion controversy, in 1810-1811, the main question in dispute turned upon what was the real standard of our money? We wild theorists said, as our simple forefathers had always said before us, that the standard was, and could be, nothing else than the weight and fineness of the gold or silver in the coin of the realm, according to the commands of the sovereign, specified in the indentures of the mint. Had this definition been admitted by the practical men, there would at once have been an end of the contested point—whether our then currency was or was not depreciated? But for that very reason, the definition was denied by all who maintained the negative of that question. More than a hundred pamphlets were published on that side, containing as many different definitions of the standard. Fifteen of these definitions, most in vogue at the time, I have since retained, as a curiosity to laugh at: but they may now, perhaps, be turned to a more valuable purpose. Of that number I only recollect three at this moment. The first defined the standard to be, "the abstract pound sterling." This had great success, till another practical writer proved, that the standard was the "ideal unit." These two practical standards were, however, finally superseded by a third, of which the definition was, "a sense of value in currency (paper), in reference to commodities." This last standard was at once so perfectly tangible, and clearly intelligible, that I consider it as the parent of the famous resolution of this house, by which the question was to be finally set at rest. Now, if I should take with me to Laputa, this little, but invaluable collection of definitions, I have not the slightest doubt, that my pretensions to have the whole monetary system of that island placed under my direction—to be master of the mint—governor of the bank—and superintendant of all the country banks—would be immediately and generally admitted. It is true, we have had no authentic account of the progress of political science, in that celebrated island, for about a century past; but it is scarcely to be imagined, that it can have been so rapid, as to enable their greatest philosophers to challenge the pre-eminence of these definitions, on the score of abstraction, metaphysics, and absurdity: and, at any rate, if the philosophers should cabal against me, the practical men could not fail to be on my side.—I am not aware, sir, that I have omitted to notice any of the objections



which have been urged against the important changes lately made by parliament in our commercial system. That these changes are extensive, as well as important, I readily admit. Whether they will work ultimately, for good, or for evil, it becomes not fallible man to pronounce an over-peremptory opinion. That the expectation of those who proposed them, was, that they would work for good, no man will do us the injustice to deny. That, up to this hour, I am fortified in that expectation, by the deductions of reason in my own mind, by the authority of all who are most competent to form a dispassionate opinion upon the subject, by the beneficial result of every thing which has hitherto been done, for giving greater freedom to commerce in this country, and by the experience of the opposite effect which vexatious and unnecessary restraints are daily producing in other countries—is what I can most solemnly affirm. I make this declaration, I can assure you, sir, in all sincerity of heart, and, as far as I know myself, without any mixture of false pride, or any mistaken feeling of obstinate adherence to consistency. I am the more anxious to make this declaration, in the face of the house, and of the world, because, of late, I have been assailed, and distressed, I will own, by ungenerous appeals to my feelings, calling upon me to commune with my conscience and my God, and to say, whether I am under no visitations of compunction and remorse, at having thrown so many persons out of bread, in the trial of a rash experiment, and in the pursuit of a hollow theory. Good God! sir, that man must have a heart of stone, who can witness without sympathy and the greatest pain, the distress which now, unfortunately, exists in most of our other great manufactures, as well as in that of silk. But, whilst I hope that I am not wanting in the duties and feelings of a man—I have also a duty to perform as a minister. If immediate relief be, in a great degree, out of our power, it the more becomes us, as the guardians of all that is most valuable in civilised society, to trace the causes of the present calamities, and to prevent, if possible, their recurrence.—It is on this principle, that I am anxious to put an end to a system of currency, which leads to ruinous fluctuations in trade, and in the price of all commodities; which, whether in excitement or depression, is alike undermining the sober habits, and the moral feelings, of the community; which confounds honest industry with unprincipled gambling; which injures the poor man in the earnings of his labour, and takes from the rich man all security in his property—a system, which creates delusive hopes, only to terminate in aggravated disappointments—of which every succeeding convulsion must add to our inability to bear it—and of which the inevitable tendency is, to drive capital and industry to other countries; not in Europe only, but even across the Atlantic. The growing dread of instability here, the growing assurance of increased stability in those countries, would ultimately produce this transfer; and, with it, the further transfer of the rank and power which England has hitherto maintained among the nations of the world. If I have ventured to obtrude upon the house any allusion to my personal feelings, they will, I trust, make some allowances for the provocation which I have received. This is the only place in which I can properly reply to the unmanly appeals which have been

made to me through other channels. Such appeals, however painful to receive, have no influence on my conduct; neither can they detract from the sanguine hope which I entertain of better prospects and increased happiness for my country. I hailed with great delight, the other evening, the assurance of the right hon. member (Mr. Tierney), that he saw nothing in our present difficulties to create despondency or alarm. In this sentiment I most entirely concur. The existing pressure may, for a short time, bear heavily upon the springs of our prosperity; but if we pursue a temperate course, there is nothing to fear, and every thing to hope, for our future progress. With confidence I cling to that cheering hope; and without looking forward to a long life, I trust that I shall witness its realization. Whether in a public station or in retirement, my greatest happiness will be to feel assured, that the power and resources of this country have been increased by those measures of commercial policy which it has fallen to my lot to submit to parliament. That such will be their ultimate result, is my firm and conscientious conviction; and, in that conviction, I claim for those measures the continued support of this house.\* (This speech was followed by the most enthusiastic cheers.)

Mr. Baring rose, but the cries for an adjournment becoming general.

Mr. Canning said, that if the question before the house were confined merely to the resolution of the hon. member (Mr. Ellice), there could be no difficulty of disposing of them that night; but as the admirable speech of his rt. hon. friend had—most happily, he would say, for the country (cheers)—involved the whole of the principles on which the commerce of this country was to be conducted in future, he thought it would be impossible to finish the discussion on the subject in what remained of the night. He would therefore move, that the debate be adjourned to to-morrow. Adjourned.

FRIDAY, FEB. 24. — The order of the day having been moved for resuming the adjourned debate on Mr. Ellice's motion,

Mr. Baring said, that after the able and eloquent speech of the rt. hon. gent. (Mr. Huskisson) it was with great diffidence that he rose to address the house; but if hon. gent. would afford him a patient hearing, he did not despair of convincing them that that speech had touched very lightly indeed upon the main question before the house. The rt. hon. gent. had commented upon the petition which he (Mr. Baring) had had the honour of presenting from the bankers, merchants, and traders of London, in 1820, and also upon the remarks which he had offered to the house in laying it upon the table. As he (Mr. Baring) was not in the habit of speaking from written documents, and as he had never read any report of his speeches more than twice in his life, he did not feel that he was at all responsible for the words which had been put into his mouth upon that occasion; at the same time, he would admit there was nothing in either the speech or the petition to which the rt. hon. gent. had alluded.

\* This speech is published from the reports and a pamphlet called "Speeches of Mr. J. Williams, Mr. Huskisson, and Mr. Canning, on the Silk Trade." London: Hatchard, 1826.



luded, which he was not quite as willing to stand to now as he was in 1820. The country, however, was then in a very different condition from its present one, in consequence of the extraordinary war in which it had been so long engaged. The merchants were hampered by various regulations, which owed their existence to that war. The laws of customs and finance were in such a state of intricacy and confusion, so full of embarrassment and contradictions, and so productive of charge and trouble, that it was impossible for any man, without the study of a life, to know what he was entitled to do under them. The evil was so universally felt, as to render the application of some remedy a matter of urgent necessity; and, in consequence of the call made upon Government from various quarters, great improvements were made in our commercial code, a reduction was effected in the different charges to which commerce had been subjected, and a system of free trade was for the first time established in the country. He fully concurred in the petition which urged the Government to accomplish those changes; and there was nothing in it inconsistent with the view he was inclined to take at present of the condition and prospects of our trade. With respect to the principles of free trade, all that he had ever meant to say was, that they did not preclude the consideration of peculiar circumstances, and had nothing in them which prevented us, in their application, from yielding to the force of events, when the necessity of making an exception to the general rule was clearly proved. The burden of the proof belonged to those who claimed the exception; but an exception, it was evident, there must sometimes be, since it was impossible in this country to lay down a rule which admitted of no exception, especially in a state of things which was itself an exception to all ordinary rules. Our system was full of complexity and contradiction. No person could sit in that house for a single day without perceiving various circumstances which denoted a derangement in the system of our trade, and which rendered it impossible for us to adopt any general principle as a uniform rule of action. For the science of political economy he entertained a due respect: nobody could rejoice more sincerely than he did that an hon. friend of his had recently established a professorship of it in the University of Oxford. He trusted that a similar professorship would be established in the University of London, and that by such means it might become a part of public education. Not that it would prevent the house from having endless discussions about it; for gentlemen who had read the books of the political economists, could not fail to know how widely they differed even upon first principles. Instead of their demonstrations being gifted with any thing like mathematical certainty, no two of them drew the same inference from the same premises. It was a notorious fact, that there were scarcely any two writers, on the question of the corn laws, who did not differ radically from each other on the most material and important points. When this difficulty was obviated, and when the learned professors of Oxford and of London should have established the perfection of political truth, he would admit the force of all their conclusions; but until that consummation should take place,—until the theorists should cease to abuse each other as the greatest of dunces and fools, for not

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drawing the same conclusions from the same facts, he should consult, before he legislated, the more humble practical man, who looked at the effect, whilst they were calculating upon the cause, and who told them that a thing was not so, when they proved by direct ratiocination that it must be so. His rt. hon. friend, who cared little for that alliance which he respectfully courted, had undertaken to entertain the house, by pointing out the inconsistency which prevailed between the sentiments which he (Mr. Baring) avowed at present, and those which he had expressed in 1820. He trusted that his rt. hon. friend would not think him deficient in respect, if he ventured to call the attention of the house to the inconsistencies which a more learned doctor—his rt. hon. friend himself—had displayed upon these questions. He (Mr. Baring) had always held opinions decidedly in favour of the principles of free trade, and he did not understand his rt. hon. friend to charge him with having abandoned them on any other topic than the silk trade. On the question of the currency, he only differed from his rt. hon. friend on the question of time. He wanted to arrive at the same point as his rt. hon. friend; but he could not travel to it either by the same road or at the same pace. His rt. hon. friend, who had charged him with inconsistency, had completely forgotten how open he himself was to a similar charge, and that, too, not upon trifling questions,—not upon matters where there was no occasion for nice discrimination, but upon leading principles. In 1810, at a time when the country was at war, when it was compelled to support an immense expenditure, with scarcely a guinea in its coffers, the rt. hon. gent. had recommended, both in speeches and pamphlets, that cash-payments should be resumed in two years' time, in case a peace should ensue—

Mr. Huskisson:—"Whether in war or in peace."

Mr. Baring:—"Yes; in two years' time, whether we were at war or peace. He should like to know whether the rt. hon. gent. would tell the house that the vote which he then gave he was now prepared to maintain?"

Mr. Huskisson:—"Entirely."

Mr. Baring:—"If such were the case, he would leave his rt. hon. friend to maintain his assertion as he could; but any man who mixed up a little practical experience with his theory, would see the absurdity of such a position. If any gentleman wished for proof that his rt. hon. friend was not a safe pilot for the vessel of state in a time of commotion, he would find it in his rt. hon. friend's recent assertion, that he was prepared to assert the entire maintenance of a system in time of war, to which they had compelled the Bank to return with extreme difficulty, and not with any thing like complete success, in time of peace. He had no right, therefore, to charge his rt. hon. friend with inconsistency on that head; but his consistency proved that he was any thing but a trustworthy pilot in an emergency like the present. The second point on which he should attempt to convict the rt. hon. gent. of inconsistency, was connected with the opinion which he had advanced in 1815, upon the subject of the corn laws. His rt. hon. friend was then the advocate for advancing the protecting duty from 66s. to 80s. per quarter. He (Mr. Baring) had opposed that advance as strenuously as he could; and although he had voted in a small minority on that occasion, it was a vote of



which he was not inclined to repent. Would his rt. hon. friend say the same of his own vote? Would he tell them that he was prepared to abide by that vote as entirely as by his vote on the bullion question? He should be very much mistaken if his rt. hon. friend did not tell them at an early period, that, instead of advancing the protecting duty on corn, the real question for the consideration of parliament was, how far it could be prudently reduced (hear, hear). He now came to a part of his rt. hon. friend's measures in which his inconsistency was particularly glaring, and which he alluded to with the greater readiness, as it was connected with the question before the house. His rt. hon. friend, in proposing the reduction of the duty on thrown silk from 14s. 8d. to 7s. 6d. per lb., had said, that it was necessary to continue it at that rate as a protection to the throwster. He (Mr. Baring) stated, that the other branches of the silk-trade would be sacrificed by the protection thus afforded to the throwster, and urged a further reduction. His rt. hon. friend maintained a contrary opinion, and carried it by a triumphant majority. His rt. hon. friend since that time had not only seen his error, but by a treasury minute had reduced the protecting duty from 7s. 6d. to 5s. per lb. What further measures his rt. hon. friend intended to take with it now, he did not know; for in the speech which he had made last night, there was no declaration as to what amount the throwster was to be protected in future, or whether he was to be protected at all. He therefore again asked his rt. hon. friend whether, in proposing to keep the duty on thrown silk at 7s. 6d. per lb., he had not acted with a degree of haste and carelessness of which he had since repented? If his rt. hon. friend had done so,—and it was impossible to deny that he had,—in a case where the bread of thousands was concerned, he for one could not see that steadiness in his rt. hon. friend's measures, which was necessary to induce him to follow his rt. hon. friend blindly as a guide, and to give up his own opinions, as wrong, without being convinced that they were so. The petition of 1820, which he (Mr. Baring) had presented to the house, and which had afterwards been referred to a select committee, had been productive in its results—for which he took no merit—of a series of measures, which, under the guidance of his rt. hon. friend, had been more effectual in improving the commerce of the country than any series of measures which had ever been proposed by any former administration. The manner in which they had been carried into execution reflected great credit on his rt. hon. friend. His rt. hon. friend seemed to have an idea that some of his measures had produced an hostile feeling towards him among the merchants of the country. Let him dismiss it from his mind as unworthy of him, and as unworthy of them. If they did not feel grateful to him for the great measures he had introduced on their behalf, they must be the most ungrateful of men. He had relieved them from all that was objectionable in the navigation laws; from the ancient formalities and charges of the custom-house; from transit duties, from bounties, from prohibitions; he had reduced the port charges in the port of London, and had rendered it of all the ports in Europe that to which foreign vessels came with the least possible charge. To sum up all in a word, it was impossible to say how much praise

was due to his rt. hon. friend and the Government for the improvements they had introduced into our commercial system (loud cheering). At the same time that he said this, he felt bound to say that the whole practical effect of their arrangements, however beautiful in theory, could not be precisely known till they were carried into execution. For instance, however fair the reciprocity charges on shipping might appear in theory, he was inclined to think that they required considerable attention to be paid to them in practice, from the extent to which the American shipping was gaining upon our shipping at Liverpool, and the Dutch and Prussian upon our shipping in the Thames. Such being the case, he (Mr. Baring) could not but complain, that in all cases which had recently come before them, ministers had displayed a wish to push theory beyond all proper bounds. In the case of the 11. and 21. notes, they had shown a disposition to come to a definite conclusion without consulting the practical men. In the present case, respecting the silk trade, they had shown a disposition for a free trade in it at all risks, without caring how many thousands of the population they threw out of employment, or what branches of the trade they destroyed by it. If he looked at their conduct with regard to the claim of the merchants for an issue of Exchequer-bills, he found the same spirit pervading their councils: the principles of the political economists were set in array against the distresses of the practical men, and the relief they applied for was withheld from them. In every case principles were pushed to the utmost extremity; and out of this mistake of the Government arose much of the distress of the country. We lived in times and amid relations which were of too complex a nature to suffer in safety the rigorous application of principles. There was no absurdity in which we might not be involved, if we permitted ourselves to be rigorously guided by them; and on the finest principles we might practically be led into the greatest dangers. He would give the house a few instances of the extravagance with which these theoretical men sometimes acted. The late Mr. Ricardo, for whom personally he had a high respect, and whose loss he sincerely regretted, had some of the most fancifully extravagant opinions on several practical subjects that had ever entered the brain of man. His notion of a compensation between the property of the country and the public debt, though fine in theory, and full of ingenuity, was utterly impracticable in execution. Mr. Ricardo had also propounded a system for a national bank; but it rested upon principles which were now universally exploded by all persons who wrote upon the subject. When his rt. hon. friend supported the proposition for advancing the protecting duty on corn from 66s. to 80s. per quarter, he took it into his head to defend it on a very curious position of a very ingenious writer, who was then deemed a great authority, Mr. Malthus—that the question of the corn laws had nothing to do with the question of rents. They had now gotten a great and illustrious doctor from Scotland, to prove that absenteeism was not an evil to Ireland. If ever there was an absurdity put forth by a learned and ingenious man,—and he believed Mr. M'Culloch to be such an one—ever there was a monstrous position which showed the wisdom of listening a little to the experience of practical men, and not depending



entirely upon theory, it was a doctrine of this extraordinary description (great cheering)—that it was no evil to Ireland that her landholders should spend their rents abroad, but rather a benefit, on account of their general character, which it would be indecorous to describe in the terms of Mr. McCulloch in the presence of so many Irish gentlemen (cheers and laughter). The doctrine pushed to its utmost limit, came at last to this staggering conclusion—that if it were no injury to Ireland that Lord Hertford should spend his rental of 100,000*l.* a year derived from Ireland, in Paris, it would be no injury to Ireland that the King of France should spend it there as tribute. That position, however, was so glaringly absurd, as to become what logicians called a *reductio ad absurdum*. He trusted that the house would take these points into consideration, and would reflect on them before they consented to allow ministers to guide them entirely upon theory. He was bound in candour to confess, that the errors of practical men were sometimes as absurd as those of theoretical. If theorists would add to their theory a little practical experience, if practical men would look a little more to first principles, and if each would act with a little less contempt for the other, he believed that they would speedily come to very useful and beneficial results. He begged pardon for obtruding upon their notice these observations, which some might conceive foreign to the question, but which he conceived necessary to it, as the general principles on which they ought to legislate upon commercial interests had been introduced by his *rt. hon.* friend into this discussion. The Government were evidently actuated by a dislike to practical conclusions, and by a passion for legislating upon principles alone. He wished, therefore, to caution the house upon the point, and having done so, he should now proceed to the more immediate question.—His *hon.* friend (Mr. Ellice), in asking them to refer this question to the consideration of a committee, disputed the principle on which the late regulations for the silk trade were founded. That trade had been in an artificial state, and under peculiar protection, in consequence of the superiority which it was long known that France enjoyed over us respecting it. The late regulations threw away the restrictions imposed upon it, and established a free trade in silk with a protecting duty of 30 per cent. It was said that we had laboured till the present day under a complete ignorance of the mode in which this trade was conducted in foreign countries. We had been told for some years past, that our capital and skill, would give us an advantage which, when the restrictions on the trade were removed, would be sufficient to ensure our superiority. The persons carrying on the trade in this country were as ignorant upon the point as the Government itself appeared to be. They sent, however, a deputation of well-qualified individuals into foreign countries, for the purpose of acquiring information as to the silk trade in those countries; and those individuals found to their surprise, that the silk trade in this country had no superiority of capital—that our workmen were inferior in skill—that we were behind them in machinery—and that with an inferiority of skill, machinery, and capital, it was not likely that we should drive their silk manufactures from any market. He had heard the observations made in the house last night with regard to the capital

employed in the silk trade in Switzerland, and from the inquiries he had since made, he was convinced that the capital employed in the town of Basle alone beat that employed in the town of Coventry out and out (hear, hear). An inquiry had been made respecting the silk manufacture at Zurich and at other places in Switzerland, the result of which tended to confirm the fact he had before stated. It appeared upon the whole, that at Lyons those manufactures were 45 per cent lower than in England, and that in Switzerland the average difference in favour of that country was from 50 to 60 per cent. on plain goods, and from 60 to 100 per cent. on figured goods. It was moreover a fact perfectly familiar to all persons acquainted with these subjects, that the protecting duty of 30 per cent which it was proposed to put upon all imported silk manufactures would in practice be reduced considerably below that amount. The goods brought in would be so undervalued and managed, that the nominal 30 per cent. would not really amount to more than 20 per cent. He had no hesitation, therefore, in saying, that with such a competition as he had stated, this protection would be wholly insufficient; and that it would be impossible for the manufacturers of this country to carry on trade, or to afford employment to their workmen, under the manifest disadvantages which would attach to them. Besides the advantage which the foreign manufacturers had over those of England, in the plentiful supply of the raw material—the manufacturers of Lyons being backed by the silk of Provence, and those of Switzerland by the silk of Italy—they had the great advantage of cheap labour. Not only was bread at a much less price, but the foreign labourer lived in a very different way from the English artisan. He had heard that the manufacturers of Lyons lodged and fed their workmen; and upon inquiry of a man employed in a manufactory there, he learnt that the master crammed 40 of his workmen into a long garret over his workshop, where they slept upon straw. This was a state of things which English workmen would not endure; but it was another proof in addition to the many which already existed on the same subject—so many indeed, that in his opinion they proved beyond the possibility of doubt, that it would be impossible for the English manufacturers ever to bring their goods down to such a price as would enable them to compete with the workmen of other nations. He did not believe his *right hon.* friend opposite was so great an advocate for all the dogmas of political economy, that he meant to set up the rigid doctrine, that if the trade could not support itself it ought to be destroyed; but he had expressed his belief that a duty of 30 per cent. would be enough to protect it against the competition of other nations; which was going quite far enough. After a trade had been fostered and nursed up to this state—after it had been protected for so many years by a system of prohibition, would the house now consent to a measure which must have the effect of driving all the workmen connected with it to the poor-rate for subsistence? He was sure his *rt. hon.* friend would be as slow as any man to agree to such a proposition if it were made openly, and yet such must be the result of the present law if it were carried into execution. In the whole of his *rt. hon.* friend's speech he had never touched upon the question of the possibility of carrying on the trade. Now the fact was, that the situation of this



manufacture opened a very serious case as concerned the country at large, and all the other manufactures which it contained: for what was now done with the silk, might be, and must be, done hereafter with respect to cotton and woollen. If things should remain in this state, the inevitable consequence must be, that the manufactures would leave us, and those which were most advantageous would lose even the home-market which they enjoyed at present. It was known that the seat of manufactures had several times been changed. It had gone from the Mediterranean to Holland, and after having there been established for a long time, the manufacturers were driven out of Holland by the tax upon bread. They had thence formed a station in England; and if the same causes were allowed to prevail here, the same result must ensue; and they must go on to America, or some other country, in which they could be carried on with comfort and prosperity. We were losing a little every now and then; and if the progress of our loss was not quickly and satisfactorily arrested, we should be left in the most miserable of all possible conditions—that of a nation, from which its wealth had departed. He had no wish to draw on the question respecting the corn laws to-night. He was sensible that it involved a great difficulty: but, however great that might be, and whatever might be the consequences, the country must some day, and that no distant one, look at it with a serious eye. He knew that the abolition of those laws could not be effected without doing great injustice to some particular classes of the people; but, nevertheless, if it should become necessary, it must be done.—It was true that there were many circumstances in this country which tended to the preservation of its manufactures. Amongst these, its naval superiority was a principal source. The history of Europe for the last two centuries presented a constant alternation of peace and war; the peace seldom lasting so long as for ten years at a time. The power which had the command of the sea must, in such times, have the command also of all the markets which could be reached by her ships. She enjoyed also the opportunity of getting the raw material from all such countries as produced it, and from the very beginning of the contest the enemies' harbours were blocked up so as to prevent any competition. This naval preponderance was of course lost to us when the war ceased; and although he should not be suspected of wishing to see the present tranquillity disturbed, he must remind the house that every day's continuance of peace helped to wear away the advantages which our manufactures had derived from this cause. The manufacture of silk in the south of France was, of all the continental manufactures, that which was least exposed to the inconveniences of a war; because, from its lightness, silk was capable of being much more easily transported, and the great consumption being upon the continent, it had not to encounter any of the danger attending the other articles of manufacture which were transported by sea. It had always been a favourite manufacture in France, and had been fostered by the Government at great expense, and by the enjoyment of uncommon privileges. It had thus obtained a vantage-ground, from which it could not be removed without great difficulty. The same might be said of any manufacture which had for a long

time enjoyed exclusive advantages. In the manufacture of cotton and of iron we had the pre-eminence—how long we might continue to enjoy them, he did not know; and the same difficulty would be felt by any country who should attempt to rival us in those branches, as we must experience in attempting to compete with the silk manufactures of France. If, however, his rt. hon. friend was resolutely bent upon applying those free principles which had been so much praised, to the silk trade, he must give them entire and universal operation, or he would do great injustice. He must take that other step, and must not refuse to the cries of the people whom this measure would throw out of bread, that without which they could not exist—a free trade in corn. This would raise a question of such magnitude, that it would force the Government to open their eyes to the real state of the manufacturing interests. In the present state of the subject, he did not see upon what ground his rt. hon. friend could refuse to go into an inquiry as to the fact whether the competition into which the manufacturers were to be forced would be so disadvantageous to them as they apprehended, and to enable the house to form a sound opinion, whether they were or were not doing injustice to these people, who exclaimed loudly against the proposed measure. Here were hundreds of thousands of poor honest men, knowing nothing in the world of political economy, who found on a sudden that because some very wise men had of late sprung up, they were to be ousted from the earnings of their industrious and patient labours. These people were loyal, orderly, and well-conducted, and yet they found themselves on the very brink of the most painful distress, owing to the discoveries of the political economists. If this had been done at a time when other manufactures were flourishing, the silk manufacturers might perhaps have had some relief. It might have been said that they could go from one trade to another and have found employment in the cotton-manufactories; but now the cotton-manufacturers were turning away their workmen rapidly, owing to the decline in that trade. It came, too, at this most unfortunate period, when the agitation respecting the paper currency and the general distress filled the whole country. At this period, if a mistake should be fallen into respecting the measure now under discussion, the confusion and distress would be augmented to a painful degree.—It had been said by his right hon. friend that the great cause of the inconvenience felt in the silk trade had been occasioned by over-trading; but no proof had been offered in support of this assertion. On the contrary, the stock in hand was not greater than usual—a circumstance which could not exist if there had been any thing like that over-trading which had been imputed.—He was led now to remark upon a statement which his rt. hon. friend had made respecting an advertisement issued by some silk manufacturers of Macclesfield, for 5000 men. By a letter which he held in his hand, he learnt that, in the early part of 1825, a great want of hands in the silk trade was felt at Macclesfield; and that the workmen, taking advantage of this, struck in large bodies, so that the masters were obliged to comply with their demands. Even children, who were hired for two or three years, left their service and went to other masters. In this state of things, a few throw-



sters met together and entered into resolutions, one of which was to advertise for 5000 hands, in order to intimidate the refractory workmen, as well to supply such as were really wanted. At the same time they entered into an agreement not to take each other's hired servants. These measures together had the effect of restoring tranquillity, and this was the true origin of that advertisement which had furnished his right hon. friend with so plausible an argument against the manufacturers (hear, hear).—With respect to the other story of the French silk manufacturer who had established himself here, and whose goods had been seized, the case had been stated to him (Mr. Baring) by persons of whose veracity he had not the slightest doubt, and who were the silk-manufacturers in London, to whom an informer came telling them that there was a large quantity of smuggled goods in a French house newly established. This man had been long employed as an informer for the Custom-house. They immediately sent to the Custom-house on the subject, and the answer which they received was, that the Frenchmen were privileged by the Government, and that orders had been sent to the Custom-house not to take cognizance of any information of this kind. Upon further inquiry, it turned out that this French house had made application to the Government, and, representing that great benefit would result from their trying the experiment of introducing their own method of manufacturing silk, had obtained permission to transport their stock hither free of duty. The silk which they had brought in consisted of thrown and dyed silk, upon which the highest duties were payable. Now he (Mr. Baring) could not understand how this was to enable them to try the experiment they intended, because, as the only question was, whether silk could be manufactured in England as cheaply as in France, that could not be ascertained but by the manufacturer having the silk upon the same terms in every respect as the other persons engaged in the same trade. The circumstance, when it got known, excited, as it naturally would do, great dissatisfaction in the trade; and this feeling was increased by the French proprietors opening a shop in the city, where they sold the same goods which other persons dealt in at much lower prices. An information was lodged that a large quantity of smuggled silk goods had been brought over, and some of them were in consequence seized, in the firm belief that the goods so seized were really of French manufacture. In this belief the persons engaged in the seizure remained to this day, and he (Mr. Baring) confessed that he had some doubts upon the subject himself (hear, hear, from Mr. Huskisson). It was at least not wonderful that persons should be deceived, as well because the materials and pattern were French, as because the marks of the machine and the width of the goods were such as would be made by French looms. It had been said, that the weavers who had been employed, deposed upon oath that the goods were manufactured in England. That he (Mr. Baring) positively denied. Thirty-seven pieces of silk were seized; nineteen of them were stated by the proprietor of the French manufactory to have been made in Spitalfields, and the rest at Manchester. At Macclesfield three English weavers made affidavits, but all the other depositions were made by French workmen. He desired to impress it upon the house, that there were

reasonable grounds for suspicion. He would state what those grounds were. At the time M. Poullé was in this country, he was also carrying on manufactories both at Paris and Lyons, and if it should be the pleasure of the house to appoint a committee, he (Mr. Baring) would bring forward a gentleman of character who would tell them that he saw M. Poullé in Paris, who offered to sell him silks, saying that they could be very easily smuggled into this country, and adding, that it would be done under the protection of the English Government. He put it to the house whether, under these circumstances, the English manufacturers had felt an improper degree of jealousy?—Now, with respect to the great question itself, the right hon. gent. said, it was important that the house should not take a retrograde step. In his (Mr. Baring's) opinion it was highly important that they should not take a wrong step. The right hon. gent. said, that if the house were to take a retrograde step, it would be looked upon as a failure of the liberal system of policy in which this country had embarked, and we must give up all prospect of seeing the example, which we had set, imitated by foreign nations. He (Mr. Baring) would, however, wish the house to consider the situation in which we should be, if we made the attempt and failed. What encouragement would then exist for adhering to the right hon. gent's liberal system? If there existed the slightest doubt in the minds of the house as to the policy of the measure proposed, it behoved them, considering the important interests which were at stake, and the number of poor people who would be thrown out of employment, to proceed no further with it. He thought the right hon. gent. was proceeding on wrong grounds with respect to the whole of his commercial system. The right hon. gent. ought to begin with the corn laws (hear, hear). Upon the price of corn depended the price of labour. So long as there was a monopoly with regard to corn, there could be no real freedom in any other branch of trade. The right hon. gent. knew that, and he wished to settle the question of the corn-trade as much as any man; but he could not do so at the present moment. The course which the right hon. gent. had pursued with respect to that great question was particularly inconvenient—it was that of throwing out intimations that it was the intention of Government to do something on the subject, which, however, they never did. If ministers would at once say that they did not intend to propose any alteration of the corn laws, their conduct would be intelligible; but whilst they continued to throw out intimations that the present laws could not be suffered to exist, without proposing any measures on the subject, and thereby shaking the value of all descriptions of property, they acted in a way which they were not justified in doing, either as ministers or men.—He would conclude by reading an extract from a letter addressed to the right hon. sec. for Foreign Affairs, which was applicable to the measures proposed by ministers with respect to the silk trade. (The hon. member then read the passage, which stated that the most enlightened men frequently fell into great mistakes in endeavouring to carry theoretical schemes into practice, and the consequence was, that the soundest general views, for want of a corrective practical knowledge, often turned out only schemes of derangement).

Mr. Huskisson:—All that he had stated last



night, with respect to the French house accused of smuggling, he had advanced, not from his own knowledge, but from the authority of public documents—namely, the report of the commissioners of Customs, signed by four members of the Board, setting forth that there had been a full inquiry on the subject, and that the parties had been examined on oath. He would set the statements upon oath against the assertions of disappointed individuals, who had aggravated their misconduct by persisting in a charge which had been so completely disproved.

Mr. C. Grant complained that his right hon. friend (Mr. Huskisson) had been charged with having wandered from the subject under consideration into a vast and comprehensive range of matter. If his right hon. friend had no other excuse for pursuing the course he adopted, it was fully justified, nay even called for, by the speech of the learned member (Mr. J. Williams). It was fortunate for the country, that his right hon. friend had been afforded an opportunity of stating the original principles on which his measures of commercial policy were adopted, and the happy success with which they had been followed. The hon. member (Mr. Baring) however, was himself guilty of wandering from the subject, and that without the same excuse as his right hon. friend. What had the dissertation in which the hon. member had indulged, with respect to Mr. M'Culloch, Mr. Ricardo, and Mr. Malthus, to do with the question before the house? The hon. member had thrown out his sarcasms unsparingly against the theorists of political economy; but he admitted the justice of their views, although he would qualify them with a greater portion of practical experience. Now, with all his admiration of the hon. gent.'s talents, he must confess that he did not see in his address any evidences of the practical experience which he recommended. The question was, simply, were they to continue a competition—for competition they would have—under the protection of the laws, or leave the same competition, as it had hitherto been left, to work its way in the dark, silently undermining the exertions of the manufacturer, and taking its course in crime, perjury, and deceit, to preserve a monopoly to the foreign manufacturer and the smuggler? The question presented itself in three views: first, how far the motives and measures of Government could be defended both upon theory and practice; how far the stagnation and distress in the trade had been the effect of those measures; and, how far they could look to an improvement in the future state of the trade, from a perseverance in their present determination? And, first, as to the propriety of the measure, which had been adopted as a practical remedy for an acknowledged grievance. It had been, he thought, proved last night, beyond all question, that the trade was in a state which required a total change of system. When its affairs had been under discussion in both houses of parliament, and when practical men from all parts of the kingdom had been examined before their committee, it was clearly established that the trade laboured under three evils—a heavy duty on the raw material; the baneful operation of the Spitalfields Act; and the prohibition of the importation of silk. Now, it had been proved that the duty upon the raw material added 30 or 35 per cent. to the first cost of the article, and including the duty on thrown silk, increased

the whole amount to the consumer to 70 or 80 per cent. Feeling, therefore, that the amount of the duty aggravated the evils under which the trade laboured, the committee recommended the reduction of that duty. The next point was the Spitalfields act—a question which had been so fully discussed upon a former occasion, that he need not enter into it now, but would pass at once to the last point—the question of the prohibition. Two years ago the act for the removal of the prohibition passed, by the concurrent suggestions of many eminent men, both theoretical and practical; and here he would take leave to remind those who talked of the question being hurried forward, that the act of repeal was no new measure, and that they had had two years' warning of the commencement of its operation. But it had been contended that the act had aggravated, if not wholly caused, all the distresses in the silk trade. That he positively denied. Let them look to the state of every other branch of their manufactures at the present moment. Let them look to the cotton trade—the timber trade—the tallow trade—all of which were suffering in an equal degree with the silk trade, although no legislative measure had been proposed with respect to them. In short, was there any portion of their commerce and manufactures which did not labour under the same distress as the silk trade (hear, hear). It was indeed lamentable, but too true, that there had been scarcely any trade so much subject to reverses and sudden changes as the silk manufacture; a consideration which led men to reflect whether the state of the law respecting prohibitions might not have had a material effect in producing such reverses. Scarcely three years had elapsed at any time without a recurrence of complaints of extreme distress among the weavers in Spitalfields. At Coventry, the distress had kept pace in time and extent with the distress in the metropolis. At one time, in 1819, so great had been the pressure, that the hon. member for Coventry, on bringing forward a measure for the regulation of wages among silk weavers, declared that two-thirds of the workmen were on the parish books, and that wages were no more than five shillings a week (hear, hear). Could ministers then be accused of creating all the distress? Had there been none before the appearance of their new-fangled principles on the subject of prohibition? In Macpherson's *Annals of Commerce* they would find, that at one time, in 1793, there were 4500 looms out of work in Spitalfields, which on an average employed eighteen thousand people. It was lamentable to measure the scale of misery at different periods; but it was necessary, in order to prove that the present state of the trade was not a novelty, and that it might result from other causes than the measures which had been adopted by parliament. In 1796 a meeting of the principal manufacturers had taken place on that account. In 1801, Government had advanced 20,000*l.* In 1816, the distress was extensive; there had been a meeting at the Mansion-house, at which an hon. gent. had expatiated upon the distress at Spitalfields, and expressly ascribed it to the enormous importation of foreign silk goods by smugglers. On that occasion a benevolent gent. had declared, that out of 15,000 looms, no less than 10,000 were standing idle. A respectable manufacturer, in 1817, had stated, before the Poor Laws Committee, that he had formerly paid 5000*l.*



and 6000*l.* a year in wages, and at that time did not pay 5*l.* a week; and he added, that there were several causes to be assigned for the stagnation of the trade—of which one was the duty on the raw material, and another was smuggling (hear, hear). It would seem, therefore, that without referring to the measures of Government, there would be found in the system which was formerly in existence, causes of distress as great, and even greater, in the silk trade, than were found to exist at the present day. Without denying that distress existed at present, and he regretted that it did, yet it was not so great as in 1817. In speaking of Spitalfields, he included Bethnal-green, and the whole vicinity of Spitalfields, which contained a population, not only of those who were engaged in the silk manufactures, but of many who could not properly be regarded as engaged in that line of business. Spitalfields and its vicinity might be looked upon as the gathering place to which persons out of regular occupation frequently resorted. When the business was brisk, those persons who could not be rightly regarded (if he might use the expression) as professional artisans, were employed; but on the decline of business, they were thrown out of employment, and subject of course to the inconvenience which want of employment occasioned. Many of those were certainly sufferers on the present occasion; although he did not mean to deny, that distress had reached many whose regular occupation was the silk business. In assigning the causes of the distress now prevalent, the first of them unquestionably was, as had been stated by his right hon. friend, overtrading. This, which operated as a cause of embarrassment in many branches of our trade, operated, in a remarkable way, to produce that embarrassment in the silk manufacture. By the returns, it appeared, that the quantity imported in the year, ending 5th of Jan. 1823, was 2,177,000*lb.*; 5th of Jan. 1824, 2,512,164*lb.*; 5th of Jan. 1825, 3,137,000*lb.*; and in the three quarters of a year, from the 5th of Jan. 1825, to the 10th of October, 1825, 3,431,000*lb.* (hear, hear). With respect to thrown silk, there was also a great increase of importation, far beyond the demand, and also far beyond that of preceding years. The increase was, from the ordinary amount of annual importation of 343,000*lb.* to the extraordinary one of 800,000*lb.* He had, indeed, understood, that on the prospect of the proposed changes, extensive speculations were entered into, and before the measures were fairly projected, a great quantity of thrown silk was ready to be brought into this country. The prices of raw silk, which in 1824 was only 9*s.* rose to 24*s.*, and China to 28*s.* per *lb.* Thrown silk, which at the close of 1824 was 33*s.*, rose in 1825, to 40*s.* then to 45*s.* and at last even to 53*s.* per *lb.* After this great demand for the raw material, it was not surprising, that when there was not a corresponding demand for manufactured silk, a great stagnation in the trade should altogether have taken place. In a statement addressed by a manufacturer to Lord Lansdowne, it was stated that the East India sale of 1825 took place under an excitement never known in the trade. "It was not, therefore, matter of wonder," the writer continued, "that establishments should increase, that operatives should enter into speculations with the surplus of their earnings, and occupy manufactories before the plaster of the walls was dry" (hear, hear). The writer added, that

an astonishing amount of capital had been introduced into the trade. Such was the opinion of a practical man; and it was sufficient to explain, in a great measure, the cause of the existing state of things. But this excitement was not the only cause. It was unpleasant to allude to particular classes; but there had been aggravations of the distress superinduced, in this as well as other trades, from particular causes. The hon. member (Mr. Baring) had explained the extraordinary demand for 5000 persons at Macclesfield, by stating that it was with the view of defeating the combinations amongst the workmen. Hence there was a rush into the trade from this contest between the masters and workmen. The alarm in the trade first took its rise among the master manufacturers. Whilst the winders of Macclesfield were receiving 18*s.* per week instead of 14*s.*, a meeting took place, at which it was resolved that the manufacturers of England were unable to compete with those of France. After this conflict between the masters and the workmen (which led to a measure they would not at other times have adopted), and after the statement of the manufacturers that they had no chance of competing with foreigners, could we be surprised that the mercers and others took the alarm, and suspended their demands? The manufacturers had retired from the market: they struck work in October, leaving the trade to the smugglers. The country had, therefore, to complain of the conduct of the manufacturers, though the Government did not complain of them. But it was due to the country to state, that there was one party, the purchasers and consumers, who were kept entirely out of this question (hear, hear). With deference to all those who supported the manufacturers, the mass of the people of England had some claims on the house to be protected from exorbitant prices for commodities. It was likewise due to the country that the experiment should be fairly tried. When his right hon. friend gave up the drawback on silk, he (Mr. Grant) remembered that the hon. member (Mr. Ellice), in presenting a petition against the measure stated that he did not coincide with the petitioners; that the people of Coventry were well satisfied with the measures of Government, and were willing that the experiment should be tried. But had the experiment been tried? Could it be said that it had been tried and failed, and that we were called upon to retrace our steps? He (Mr. Grant) thought, that after the master-manufacturers had taken from the poor workmen their charter—the Spitalfields' act,—a law as dear to them as the great charter of England; after they had procured the repeal of that law, it was hard to turn round and demand that the experiment should be arrested. On that account he thought the house had a right to complain of their conduct. They should have tried the experiment fairly—not by anticipation; they should bring their goods into the market, and then, if they failed, they might come before the house with some claim upon its justice. But the hon. member (Mr. Ellice) asked, do you mean to leave things as they are, without remedy? What, he would ask, was the remedy proposed by the hon. member? The appointment of a committee, which, with the laborious duties it would incur, comprehending the whole extent of the subject, would last the entire session. Its inquiries could not by possibility relieve



the persons now petitioning for relief from the state in which they were placed. The committee must enter into comparisons of the stocks, prices, and wages, at Lyons, at Paris, and at other places, and apply itself to every consideration that could be suggested. To the inquiry whether we could stand competition, he (Mr. Grant) would reply, that we could; and he rested his conviction on the conduct of the manufacturers themselves; he rested it on the report of the committee of the other house, and the evidence of those practical men who stated that they were equal to the French manufacturers. The lords' committee stated that a protecting duty of 15 per cent. was sufficient, and we had now 30 per cent. When the hon. member (Mr. Baring) brought forward a petition against this measure in 1823, he said that when the storm came, the parties must escape from it as well as they could. How many of those petitioners had attempted to escape from the storm? Which individual had withdrawn his capital from the trade? Which had not increased his capital, multiplied his establishments, and exhausted every resource of art and wealth to extend them? Hon. members said that fresh information on this subject had been obtained from the continent. Had that information been procured before the panic began? He (Mr. Grant) distrusted such calculations. It was easy to employ calculations so as to bring a person to any result he wished to arrive at. He (Mr. Grant) could show by calculation, that instead of from 45 to 60 per cent., the difference between the cost of manufacture in France and England was only from 10 to 20 per cent. It was not difficult to show that those calculations went upon general assumptions. All of them assumed, that excepting the law in their own case, all other circumstances should remain as they were. For example, in a statement circulated by a respectable gentleman, in comparing the expenses of manufacture at Lyons and London,  $1\frac{1}{2}$  oz. of waste was allowed at London, and 1 oz. at Lyons, in working raw into thrown silk. But what physical necessity was there that the waste at one place should be only two-thirds of the other? They asserted that the machinery was to remain the same—that wages were to remain at the same point, whilst France was to supply the raw material; thus uniting the maximum of demand with the minimum of wages. Throughout all these calculations, not only assumptions, but grave errors appeared. As in the case of dyeing: one statement alleged the advantage on the side of France to be equal to 50 per cent.; but he (Mr. Grant) believed that the cheaper cost in France for warping and dyeing was only 6 or 7 per cent. All dye drugs, he believed, were higher in France than here; and he had authority to state, that it was the intention of Government to inquire into the duties on these articles, with a view to further reductions (hear, hear). The duty on soap was severe; but that also was intended to be modified, in order to meet that difficulty. The duty on barilla was already in a course of annual reduction. The price of raw silk was given as lower in France than in this country; but in France the duty was 6d. per lb., in England, 3d. Then let the house consider the vast field opened in the East Indies. The silk of Bengal could be procured to any amount, and it had much improved of late years. The committee of 1821 stated that, for some goods, it was equal to Ita-

lian; that for tabbinets, the Bengal organzine was equal to any foreign thrown silk. It had been asserted, that in the sales of raw and wrought silks at the East India Company's sales, equal weights of raw and manufactured silks could be purchased at the same sum. But the fact was, that, in India, the silk was of two kinds—country wound and filature; the former was prepared by the natives, and used for the manufacture of Bandana handkerchiefs; the other was carefully prepared under the superintendence of the East India Company, who, in 1770, introduced into India the Italian mode of winding the silk. The latter was 14s. per lb. the former, 11s. The material was, therefore, not the same, nor was the price the same; one being a higher species of manufacture. That manufacturers and practical persons should not be aware of this, was almost incredible, especially when it was stated in the Company's sale books.—The rt. hon. gent. then adverted to the subject of the French house. It had been said that his rt. hon. friend had seen the French, but not the English parties. This, his rt. hon. friend had contradicted; and he (Mr. Grant) could confirm his statement. Neither of them had been aware of the charge of connivance on the part of Government for some time, until his rt. hon. friend, the master of the mint, communicated the report to the Chancellor of the Exchequer. Justly indignant at the charge, they instituted an investigation into the subject: both parties were heard, and the result of the investigation, conducted before both parties, had been stated in a printed circular. The hon. gent. (Mr. Baring) had, nevertheless, averred that he could bring forward a person who, at the bar of the house, would depose upon oath—

Mr. Baring denied that his statement had gone that length.

Mr. C. Grant certainly had understood the words to justify the construction he had put upon them; and he thought it unfair that the reputation of a man of character and a foreigner should be impugned upon the charge of an individual whose name was not mentioned. But the answer was short and sufficient—the law was open: there were persons enough ready to act upon it: why did not those who talked of these frauds prove them, and bring the parties to punishment.—To return, however, to the point from which this accusation had diverted him—the comparative expence of throwing silk in France and in this country. All hands were stating the expence of throwing silk in England at 7s. 6d. per lb. Now this was an unfair representation, for many manufacturers confessed they could throw it at 6s. per lb.; and some even agreed that it could be done at 5s. The duty on thrown silk had formerly been 14s. 7d. per lb. Before the Lords' committee, it had been distinctly stated that one-third of that duty would be a sufficient protection to the English throwster; and the more the question was pressed, the lower this seemingly immoderate cost of throwing silk in England was reduced. Ten years ago, it had been stated at 12s.; then it came to 10s. and 11s.; afterwards to 8s.; and now as low as 6s. and 5s. Now, it was said, that, in France, the cost of throwing silk was 3s. 6d. per lb.; but it so happened that ministers had the evidence of an English throwster of the highest respectability, who had gone to Lyons to investigate the fact, that silk could not be thrown in France



under 4s. For himself, he thought the protecting duty of 5s. ample; and that even a lower duty would be sufficient: it seemed to him, however, that the duty might be in some way regulated according to the qualities of organzine silk. He could not himself see what should make the cost of throwing silk in England so great as it actually was. It was an essential process towards preparing the raw silk for winding and weaving; but nine-tenths of the work in it was performed by machinery. Let it be recollected, however, that the throwing was a distinct and separate branch of the trade. If we imported all our organzine silk from Italy, it appeared the weaver would have it at a lower price than that at which it could be manufactured here. Now, the throwing trade, which was only one branch of our silk trade, might be destroyed, and yet the manufacture would continue; but if the manufacture was destroyed in an attempt to support the throwster, then the trade, throwing and manufacturing, must fall altogether.—Hon. gents. spoke of the state of our machinery in the silk trade: why should we not derive the same advantage from machinery in the silk trade that we did in other trades? Why was it that we did not do so?—because our prohibitory system had prevented the due application of industry and intellect. The trade wanted that incitement, and was ruined for want of it, which the new measures would give. He admitted that the looms of Coventry were inferior to the French, and he was ashamed that he was compelled to admit it; but once put them in competition, and the inequality would speedily be at an end. One hon. member, he believed, had actually brought it forward as an argument, had seriously told the house that the houses of Coventry were not capable of receiving the French looms (a laugh). In that case, all he could say was, that they must be rebuilt, which would be a great blessing generally to the city. We had always complaints of incapacity, until capacity was put to the trial: he understood that already, in the very prospect only of the trade being thrown open, improvements in the silk machinery were carrying into execution. According to a letter only yesterday received from Manchester, an attempt to weave by steam had been made, and succeeded. Two pair of gros-de-Naples looms, weaving each 108 yards of silk a week, were attended by a woman at 14s. a week wages: this was about 3d. a yard for wages; and the cost of house rent, with the interest of the value of the loom, which was 12l., might be taken at a farthing more; then the price at which this work was done was 3½d., which could not be done in France under 7d. What reason was there, that, with the system of importation, England should have any thing to fear? An hon. member had stated, that the capital in some small town in Switzerland was equal to the capital of any trading town in England. The house would not expect him to answer such a statement as that. He had stated, also, that the Swiss traders were in the habit of going over the mountains and purchasing the silk in Italy, which they paid for in specie, carrying the raw material to their own country to be manufactured; and upon this course of trade he expatiated with satisfaction, claiming for it an advantage over the usual mode of English traffic. If the hon. member's views were just,

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what were we to think of all the boasted advantages of the division of labour, the application of credit, and the powers by which industry was multiplied? The argument of the hon. member amounted to this—that England could never compete with Switzerland, or any other country, unless she was as poor and as ignorant. An hon. member (Mr. Baring) had said, that France possessed an advantage over us in the cheapness of labour; for the poor manufacturer in that country lived in the most wretched state of filth and misery—he would tell the hon. member to go to Ireland, where the population could vie in filth and misery with any population that ever had, or ever could exist. The hon. member might just as well argue that it was impossible for any country to compete with Ireland. The great object of the member for Coventry was to gain time. To the prayer for further time, he (Mr. Grant) was inclined to turn a deaf ear. Whatever time was proposed for any measure, was always the wrong time; and when a respite had been granted two years ago, had it been applied by the traders to any thing like making preparation? The very argument of the learned member (Mr. J. Williams) settled the question. He said that the prospect of the new measures had for six months past caused a stagnation in the market: now, to extend such a state of things, by making the prospect last still longer, could only do additional mischief. As it seemed to him, there was but one course for the house to pursue, which was, to come that very night to a vote which should put an end to discussion upon the subject for ever. Let them do this: let them declare definitively that there would be an end to prohibition; and they would soon find that there would be an end to the alleged necessity for it. In a short time, without the appointment of any committee, there would be an end to the apprehensions which traders were always sufficiently quick to entertain for the safety of their own interests; and, in defiance of the threatened alarming influx of foreign goods, there would be work enough again in our manufacturing districts.

Mr. Dickenson denied the excessive speculation for which ministers blamed the silk-manufacturers, and attributed much of the general distress of the country to their own unfounded and delusive statements as to its prosperity. We should get nothing by these new measures, or new principles: where was the reciprocity which had been so promised and talked about? Other countries said plainly that they saw how we had grown rich—by our system of exclusion; that they desired no participation in our liberal modern policy. It was the misery of England, that she was always run away with by some visionary speculation or other. One year, Mr. Owen figured with his parallelograms. The next, some other gentleman came from Scotland to prove that absenteeism was no evil to Ireland; and it was difficult to imagine any absurdity, however monstrous, which some philosopher might not be found, upon the most liberal and indisputable principles, to attempt to prove.

Mr. Warre said, that it did not seem to him that the hon. member (Mr. Ellice) had made out any case for his motion. If the introduction of French silks into the English market would have ruined our manufacturers, they would have been ruined long ago; for



our preventive service people frankly admitted that spirits might be kept out, but that the dry goods could not. He doubted moreover the capacity of France, when the prohibition was removed, to pour any thing like the quantity of silks into this country that was apprehended. The slightest reference to history was sufficient to show that commercial improvement in all times had been opposed by those who thought their interests attacked by it just as vehemently as the change now proposed was.

Mr. P. Moore, after describing the distress of the silk weavers, implored Government to abandon all principle, and think only of saving the people.

Mr. Palmer said, that at a meeting which had recently taken place, he had stated to his hon. friend (Mr. Ellice), that he felt inclined to support the motion for a committee, and would do so, unless something cogent was advanced which might induce him to change his mind. In consequence, he came down to the house last night, and heard what his hon. friend had said in support of the motion. But he would ask of the house, whether a speech had not been subsequently delivered, which proved to demonstration that his hon. friend was in the wrong,—a speech which had made a great impression on his mind, and of which he regretted that his memory was not sufficiently capacious to retain every sentence (hear, hear). He could assure his hon. friend that if going into a committee were likely to do even a trifling good to those individuals whose case he had so ably advocated, he would cheerfully vote with him; but feeling that, so far from doing good, it would effect much harm, by holding out fallacious hopes to those individuals (hear, hear)—he must oppose the proposition.

Mr. Canning:—“Sir, after the direct appeal made to me by several hon. members, I feel it necessary, before the debate closes, to state as fairly and as shortly as I can, the views and opinions which I entertain upon the present question. On the one hand, I am sure the house will believe that I cannot feel disposed to enter at large into a subject which has been already so fully discussed, and has, I may say, been disposed of so much to the satisfaction of this house and the country; to the satisfaction, at least, of those who had before approved of the principles on which Government has acted, and to the conviction of others, who, doubting the soundness of those principles, found their doubts set at rest by the powerful and unanswerable speech of my rt. hon. friend. As, I say, the house, on the one hand, will not suspect me of having the bad taste, after his luminous exposition, to intrude on their time, by discussing the whole of this vast subject;—on the other hand, it would feel that I did not do my duty by the house, by the country, or by my rt. hon. friend, if, leaving to him the whole weight of the debate, I omitted to claim for myself a full participation in the responsibility incurred by the introduction of those measures which he has so successfully explained and defended (cheers). It is for this purpose, then, that I now present myself to the house; and I do so because I have witnessed for the last six months,—I might, perhaps, say, during a longer period, but principally for the last six months,—the diligent, the systematic attacks

made upon the plans and measures, as well as upon the public character, of my rt. hon. friend; attacks made, no doubt, with the hope that they would prove injurious to his fame and subversive of the sound commercial principles which he has so long and so anxiously exerted himself to introduce and establish (cheers). I agree, that if there were any prospect that, by consenting to go into the committee for which the hon. gent. has moved, any thing could be done to soothe the feelings, or to relieve the distress, of those on whose behalf the committee has been required—or if it were merely a neutral measure—a measure in which parliament might innocently indulge the petitioners—or one calculated, perhaps, to give satisfaction to a few, though without benefit to any—I would even now forego my opposition to it. But it is because I feel that we shall practise a delusion upon the petitioners, at the expense of the interests of the country, if we were to hold out a hope, an expectation, of altering—nay, even if we were to utter a doubt of our determination to persevere in that course, which, after the most serious deliberation, parliament, in its wisdom, has resolved to pursue. What, I will ask, would be the effect of our going into the proposed committee? The question, let it be beaten out into as many shapes as you please, is simply this,—would a prohibition of foreign silks protect our trade as well as our moderate duty, such as that proposed by my rt. hon. friend? I will not fatigue the house by an unnecessary repetition of the arguments which have proved the negative of this proposition; but, to my mind, it is clear that a law of prohibition would fail as a measure of protection, while it would re-introduce into our system those vicious principles which we have found such difficulty in expelling from it. The evil which we have put down would re-appear, and, like a noisome weed, rapidly increase in growth, till it overspread the whole soil of our commercial industry (hear, hear). But, sir, this is not the point upon which I felt myself most immediately called upon to answer the appeal of hon. members—this is not the point upon which I feel called upon by my public duty to express my sentiments. It cannot be denied, sir, that, under cover of the measure which the hon. gent. (Mr. Ellice) has thought proper to bring forward; and that he has brought it forward in the sincerity of his heart, and with the view solely to the relief of the sufferers whose cause he advocated, the house must feel convinced (hear, hear); but it cannot be denied, that, under cover of that motion, an opportunity has been taken, not by the hon. member, but by others, to attack the commercial regulations now in progress; measures more seriously deliberated upon, and introduced with the more universal consent of all those whose judgments were likely to be best enlightened on such matters, than any other acts of our public policy within my recollection (cheers). The hon. gent. who introduced the motion was of opinion, that it was advisable to adopt a sound and settled system of commercial policy. But the learned gent. who seconded the motion (Mr. J. Williams), addressed you with a very different feeling, and in a very different spirit. That learned member, departing from those professional topics, in descending upon which he had so often arrested the attention of the house, disported himself upon this



to him novel subject, certainly with all the confidence of a novice, but at the same time in a manner which evinced a total incapability of using his weapons, as he was wont to do in his more practised exhibitions (cheers). The learned member has not disdained to call to his aid, in the course of his address, all the vulgar topics of ribald invective with which my rt. hon. friend has been assailed elsewhere; and in the spirit of these attacks, has attributed to him feelings unknown to his heart, and sentiments utterly alien from his nature (loud cheers). And why, I ask, has my rt. hon. friend been subjected to these attacks? Because, sir, with an industry and intelligence never exceeded, and rarely equalled, he has devoted his daily labour and his nightly toil to the improvement of the commercial system of his country (cheers). Sir, when this attack was made, the house felt, as one man, the injustice done to my rt. hon. friend (cheers); and if, in addition to the conscious rectitude of his own mind, and to the gratifying acknowledgment by this house, of his splendid exertions, he wished for another gratification, he had it in the universal feeling of indignation at the attempt so wantonly made to lower him and his measures in the public opinion (cheers). And then, forsooth, came the assertion, that nothing personal was meant.—Nothing personal, sir! Did we not hear mention made of hard-hearted metaphysicians, and of the malignity of the devil? Nothing personal!—certainly nothing personal to the devil (laughter), who, by the way, and it is a curious coincidence, is, according to an old proverb, the patron saint of the city (Lincoln) which the learned gent. represents (much laughter). But could any one fail to understand, that the fend-like malignity, the coldness of heart, the spathy of feeling, that all these abstract qualities, which the learned gent. had described as distinguishing features of those who indulged in abstract speculation, were intended by the learned gent. to be embodied in the person of my rt. hon. friend; qualities especially calculated to render a man contemptible in the performance of his public duties, and odious in the eyes of his fellow-citizens, for whose benefit those duties are discharged? These topics, sir, are as vulgar as they are unjust (hear, hear). Why is it to be supposed that the application of philosophy—(for I will use that odious word)—why is it to be supposed, that to apply the refinement of philosophy to the affairs of common life, indicates obduracy of feeling or obtuseness of sensibility? We must deal with the affairs of men on abstract principles, modified of course according to times and circumstances. Is not the doctrine and the spirit which now animate those who persecute my rt. hon. friend, the same which, in former times, stirred up persecution against the best benefactors of mankind? Is it not the same doctrine and spirit which embittered the life of Turgot (cheers)? Is it not a doctrine and a spirit such as these, which consigned Galileo to the dungeons of the inquisition (cheers)? Is it not a doctrine and a spirit, such as these, which have, at all times, been at work to stay public advancement, and to roll back the tide of civilization—a doctrine and a spirit actuating little minds, who, incapable of reaching the heights from which alone extended views of human nature can be taken, console and revenge themselves by calumniating and misre-

presenting those who have toiled to those heights, for the advantage of mankind (cheers)? —Sir, I have not to learn that there is a faction in the country (a cry of no, no, from the opposition benches)—I mean not a political faction—I should, perhaps, rather have said a sect, small in numbers, and powerless in might, who think that all advances towards improvement are retrogradations towards jacobinism (cheers). These persons seem to imagine that, under no possible circumstances, can an honest man endeavour to keep his country upon a line with the progress of political knowledge, and to adapt its course to the varying circumstances of the world. Such an attempt is branded as an indication of mischievous intentions, as evidence of a design to sap the foundations of the greatness of the country (cheers). Sir, I consider it to be the duty of a British statesman, in internal as well as external affairs, to hold a middle course between extremes; avoiding alike the extravagancies of despotism, or the licentiousness of unbridled freedom—reconciling power with liberty: not adopting hasty or ill-advised experiments, or pursuing any airy and unsubstantial theories; but, not rejecting, nevertheless, the application of sound and wholesome knowledge to practical affairs, and pressing, with sobriety and caution, into the service of his country, any generous and liberal principles whose excess, indeed, may be dangerous, but whose foundation is in truth (loud cheering). This, sir, in my mind, is the true conduct of a British statesman; but they who resist indiscriminately all improvement as innovation, may find themselves compelled at last to submit to innovations, although they are not improvements. My rt. hon. friend has been actuated by the spirit which I have endeavoured to describe. Convinced in his own mind of the justice and expediency of the measure which he has proposed for the improvement of our commercial system, he has persuaded the house to legislate in that sense; and, as the fruits of that legislation, I anticipate increasing prosperity and growing strength to the country (cheers).—Two objections have been stated to the course which ministers are pursuing under the guidance of my rt. hon. friend: we are charged with having abandoned the principles of Mr. Pitt, and of having borrowed a leaf from the book of Whig policy. If the latter accusation refers to the useful and honourable support which we have received on questions of commerce from some of those who are habitually our antagonists in politics, I have only to admit the fact, and to declare the satisfaction which I derive from it. God forbid, sir, that I should withhold due praise from those who, forgetting political animosities and the vulgar divisions of party, have concurred with us in attempting to do public good. But if it is meant to say that the commercial policy which we recommend to the country is founded on the principles of Whiggism, history proves that proposition to be untrue; I mean neither praise nor blame of Whig or Tory in advertent to matters which passed long before the political existence of the present generation; but, historically speaking, I must say, that freedom of commerce has, in former times, been the doctrine rather of Tories than of Whigs. If I look back, for instance, to the transactions between this country and France, the only commercial treaty which I can find, beside that



which was signed by me and my right hon. friend but the other day, since the peace of Utrecht, is the convention of 1786. But, by whom was the convention of 1786 proposed and supported?—by Mr. Pitt. By whom was it opposed?—by Mr. Fox (hear, hear). I will not go into the arguments which might be used on either side. I enter not into the question, who was right or wrong. I mention the circumstance only to show how easily facts are perverted for particular purposes of vituperation. It is an old adage, that when a man wishes to beat a dog he has no difficulty in finding a stick; but the stick, in the present instance, has been unfortunately chosen.—Equally false are the grounds of the charge brought against us of having deviated from the principles of our great master (cheers). Sir, I deny that we have departed from the general principle of Mr. Pitt. It is true, indeed, that no man, who has observed the signs of the times, can have failed to discover in the arguments of our opponents, upon this occasion, a secret wish to renew the Bank restriction; and it is upon that point, and with respect to measures leading in our apprehension to that point, that we are accused, and not unjustly, in differing from those who accuse us. We are charged with a deviation from the principles of Mr. Pitt, because we declared our determination not to renew an expedient which, though it was forced upon Mr. Pitt by the particular circumstances of the times, is one that ought not to be dragged into a precedent. It never surely can be quoted as a spontaneous act of deliberate policy; and it was an act, be it remembered, of which Mr. Pitt did not live to witness those consequences which effectually deter his successors from the repetition of it. But it is singular to remark how ready some people are to admire in a great man, the exception rather than the rule, of his conduct. Such perverse worship is like the idolatry of barbarous nations, who can see the noonday splendour of the sun without emotion; but who, when he is in eclipse, come forward with hymns and cymbals to adore him. Thus there are those who venerate Mr. Pitt less in the brightness of his meridian glory, than under his partial obscurations, and who gaze on him with the fondest admiration when he has accidentally ceased to shine (loud cheering). My admiration 'on this side only of idolatry' of that great man, is called forth by the glorious course which he ran, and the illumination which he shed over his country. But I do not think it the duty of a most zealous worshipper to adopt even the accidental faults of the illustrious model whom we vainly endeavour to imitate. I do not think it a part of fealty to him to adopt, without necessity, measures which necessity alone forced upon him. Treading, with unequal pace, in his steps, I do not think it our duty to select by preference, those footmarks in which, for a moment, and from the slipperiness of the times, he may have trodden awry (loud cheering).—If, sir, I have said enough to satisfy the house, that with my whole soul I adopt, with my whole strength I will endeavour to maintain the measures of my right hon. friend, I have said enough; and I will not detain them by going into the details of a question, of which he is himself a perfect master, and of which he has made the house equally master with himself. But I should have been ashamed to let this de-

bate go by without declaring that I will readily take my share of responsibility for his measure, leaving to my right hon. friend the full and undivided glory" \* (loud and continued cheering).

Lord John Russell could not give his vote for the motion without a compromise of those principles which he had, in common with most of his hon. friends, supported. The opinions upon which this measure had been carried, had been deeply considered, and well digested. Feeling the deepest sorrow for the distresses of these parties, he must declare, that there was much less hope of amendment by stopping, than by going on in the course already taken.

Mr. Ellice in reply:—The object of his motion was not to secure the internal prohibition of foreign silk. He entertained no view of preventing importation, nor did any of the leading persons connected with that great interest whose cause he had so unworthily advocated.—As to the general policy of ministers, he did not contend against them; but he must be allowed to say that every great branch of our manufactures must fall in turn before a partial application of those principles (loud cheers). He might mention the deterioration in our woollen manufacture, which now occurred day after day through competition with German woollens. It was painfully felt at Birmingham, that our North American colonies now derived hard wares, even down to the very nails they used, from the United States. Active competition was awakened in every corner of the world, and if the right hon. gent. would persevere in his system, he must first annihilate that most oppressive prohibition, which kept up the price of corn (loud cheers).

The house then divided—

For the motion, 40—Against it, 222—Majority, 182.

### Navigation Laws;—South American Treaties' Bill.

TUESDAY, FEB. 14.—Mr. Huskisson, in moving the order of the day for the house to resolve itself into a committee on the navigation laws, wished to offer a brief explanation. Two treaties were before the house, entered into by this country with the Independent States of La Plata and Colombia, in which treatise was inserted a stipulation that, for a certain number of years, ships not built in those countries, but manned by their subjects, should be allowed to hold intercourse with Great Britain upon the same terms as if they were in fact ships built in the ports of La Plata or Colombia. By the existing navigation laws, ships built in any foreign country, bringing the produce of that country, and manned by its subjects, were entitled to admission, and to certain privileges. That principle it was right to maintain; but when countries suddenly passed from the condition of colonies to that of independence, they could have few or no ships of their own, and they could have no reciprocal commerce, at least, with Great Britain, if the provisions of the navigation laws were rigidly enforced. It had, therefore, been thought a fair arrangement for a certain number of

\* See note, *Ante*, p. 408.



years, until the new States could build ships of their own, and place themselves on a footing with other countries, that they should be allowed to send their produce and manufactures in foreign bottoms, and that those foreign bottoms should enjoy the same privileges as national vessels. The alteration now proposed in the navigation laws, was to legalize this provision in favour of the states of La Plata and Colombia, making at the same time such arrangements as would require the due proportion of *bona fide* native crews. He proposed also to give the Crown a prospective power of making similar arrangements with other states that might establish independent governments under the same circumstances. He should move for leave to bring in a bill to enable his Majesty to carry these stipulations into effect.

Mr. Robertson contended that measures of this kind, which were every day rapidly pressed forward by Government, showed a total absence of that high national feeling which had heretofore always distinguished the councils of Great Britain, until these late times in which they lived had cast a new light upon the whole range of our commercial policy. It was a delusion to call the present project one of reciprocity—for England, overloaded with taxes as she was, was giving away a national advantage, without receiving the slightest equivalent. The repeal of so essential a part of the navigation laws must have the effect of throwing the trade of these new states into the hands of foreigners of all nations, of people from the United States, who would flock to those republican governments, where they could soon acquire the rights of citizenship, and establish themselves with sufficient shipping, which could be obtained from their greater exemption from municipal burdens, at one half the expense that the British could provide the same marine. Thus the carrying trade of Colombia, instead of being kept by England, would be flung, or at least its profit given away, into the hands of foreigners, contrary to the better national policy of former times. Thirty years ago, no British minister would have dared to have made such a proposition to parliament, and so opposed was it to the spirit of the people, from one end of the country to the other, that he still hoped the time was not far distant when no minister would presume to repeat such an application, in defiance of the direct interest and policy that had raised this country to its late pitch of greatness, from which he was sorry to say ministers were now daily doing all in their power to pull it down. Impressed with this conviction, he would give his strongest opposition to the present bill.

Mr. Heathcote was desirous of knowing whether the effect of these measures had not been to diminish the number of British seamen in the general British trade. From returns which he held in his hand for the shipping of the years 1822, 1823, and 1824, he saw that though the shipping had increased, the number of British seamen had diminished.

Mr. Huskisson replied, that in time of peace it was probable that the commercial interests, though they had increased their shipping, had not augmented the number of their seamen in the same degree. They might have economized in the latter, and perhaps had done so. There was, however, no alteration in the provision of the navigation laws which required the mas-

ter and two-thirds of the crew to be British subjects.

Mr. Hume rose to ask whether the *rt. hon.* gent. (Mr. Huskisson) meant to redeem the pledge which had been given in the last session, relative to a reduction in the duty on timber, and other articles imported for the purpose of ship-building. When he (Mr. Hume) and others, last session, agreed to what was called the reciprocity duties bill, they were assured that such a reduction would be effected, and it was on that ground that he supported the measure. The impression on his mind was, that if ministers did not remove the heavy duties on timber used in ship-building, as well as on canvas, cordage, and various other articles of a similar description, this country would lose her mercantile navy; and on the existence of that mercantile navy depended the equipment of our ships of war. There were many things on board a man of war, so unpleasant, that it was difficult to induce individuals to acquire a knowledge of seamanship there, although they were perfectly ready to enter on board merchant-ships. This country had now 500 ships of war, a greater number than was possessed by all the maritime states of Europe besides, and infinitely more than the exigencies of the country required. If ministers conceived that they were correct in keeping up our shipping to this extent, at a very great expense, it was right that the house should inquire whether they were taking proper measures to secure an ample supply of seamen.

Sir R. Ferguson:—The effect of the present system would be, that the whole of the ship-building of this country would be ultimately carried to other places. Merchants in England would send to the ports of Canada or New Brunswick for the tonnage they required. The number of ships constructed in those ports every year was so great, that it was difficult to procure sailors to man them. When, therefore, the merchants of this country sent a vessel out to any of these ports, it was customary for the men to leave her, and to go on board some of the newly-built vessels, which they navigated to England at a great advance of wages.

The house then resolved itself into a committee of the whole house, and agreed, on the motion of Mr. Huskisson, to a resolution for making application to the house, "for leave to bring in a bill to carry into effect treaties of commerce entered into with certain countries of South America, which are not at present provided with national mercantile shipping."

The house then resumed.—The bill was subsequently brought in.

WEDNESDAY, FEB. 22.—On the motion for the second reading of the South American Treaties' bill,

Mr. Robertson said, that these treaties were founded on the reciprocity system which it had of late been so much the fashion to praise. But would other nations reciprocate with us? The first treaty, purporting to be founded on this principle, was that made with the United States; and yet in that country it was openly stated in Congress, that no nation had ever advanced to a great height of prosperity and civilization, without commercial restrictions. The next treaty was with the powers bordering on the Baltic. These states had for exportation heavy



and bulky goods; they had a great command of timber, and could build ships at a cheap rate. They had, therefore, acted in a great measure on the principle of reciprocity, because such was their interest. Then came the treaty with the Dutch, affecting to be founded on the same system. They, with some exceptions, consented to reciprocate. Then we laid an additional duty on exported salt, whereupon the Dutch repeated their reciprocation act, and imposed a duty of 10 per cent. on our ships entering their harbours. It could not, then, but be obvious upon what an unstable footing this system of reciprocity rested. He wished to remind the house that the French had decreed, that after the 5th of April next, they would not receive any colonial produce from this country; and when it was considered that the warehouses of our merchants were at present filled with sugars and other merchandize, and that they would not be able to dispose of any portion of these amongst the French, as they had hitherto been in the habit of doing, it would easily be conceived how much our distress would be augmented by this decree. Let the British merchant look to it in time, and make an effort to prevent that ruin which ministers would soon bring upon the country, unless arrested in their progress. In these South American treaties, there was not a reciprocity, but a total abandonment on our part of the principle of the navigation laws. This country would be deprived, by these measures of ministers, of the warehousing system, and the carrying trade.

Sir Robert Inglis rose to advert to the 12th article of the Colombian treaty, in which he saw nothing like the reciprocity of which they had heard so much. By this treaty it was provided, that no subject of Colombia who might happen to be in this country, should be disturbed in the exercise of his religion, but that he should be permitted to worship God according to the dictates of his conscience, either in public or in private. But what was the case of British subjects in Colombia? They were indeed to be permitted to exercise their own religion in private, but there was no provision for allowing them this privilege in public. When he reflected on the favourable spirit as to religious toleration which was represented to prevail in Colombia, he thought more might have been effected than a mere permission to use our own form of worship in private. He was induced to make these observations, because four states still remained to be treated with, and in treating with them, at least, he hoped that a perfect reciprocity in these matters would be secured to the subjects of this country.

The Chancellor of the Exchequer regretted that the hon. member had not made his observations in the presence of his rt. hon. friend (Mr. Huskisson), who would, he had no doubt, have been able to satisfy him that there were good reasons why more was not exacted from the Colombians on this head. For his part, notwithstanding that spirit of religious toleration which had been said to prevail in the Colombian Government, he could readily conceive that it might not be possible so far to do away with the prejudices of the great mass of the people as to render it advisable to have adopted the suggestion of the rt. hon. member at present. But he should be happy if that spirit of toleration which had been alluded to, should be found to give more privilege in re-

ligious worship to the subjects of this country than had been secured to them by the treaty. He should also be happy if the hon. bart. would extend his views with regard to religious toleration, as well to Protestant as to Catholic countries (hear, hear).

The bill was then read a second time.

MONDAY, APRIL 17.—A petition was presented from the ship-owners of Sunderland, for a protecting duty against foreign shipping.

Sir M. W. Ridley supported the petition. It was not a little extraordinary that between 1821 and 1825 the tonnage of British and foreign shipping engaged in our trade having been doubled, the foreign shipping had increased in equal proportion with the British. Another circumstance worthy of remark was, that there was uniformly an increase in the shipping of those countries with which we had entered into commercial treaties, while there was no increase of the shipping of those countries with which we were not bound by any such treaties. The increase of foreign shipping was clearly calculated to injure our carrying trade, and the great nursery of our seamen.

Mr. Hume was sorry that ministers were not present, when a subject of so much importance was before the house. If they had been in their seats, he would have recalled to their memory, the speech delivered by the late Mr. Ricardo, when this subject was under debate. He stated distinctly, on that occasion, that if this country acted upon the system of reciprocity, without repealing the heavy duties by which the shipping interest were oppressed, the consequence would be, beyond all doubt, that we should lose that branch of our trade; and he voted for the bill only on the understanding, that in the ensuing session all those duties would be removed. He (Mr. Hume) entirely concurred in Mr. Ricardo's opinion. If the taxes on our navigation were repealed, he believed, that under the freest competition, British shipping would keep their ground against all their rivals from every part of the world; but for that purpose it was essential that the taxes should be abolished on hemp, timber, iron, tallow, and all other commodities consumed by the shipping interest.

Mr. Irving said it was a fact much to be deplored, but undoubtedly true, that the employment of British shipping was now greatly confined to the colonial trade; and he regretted to observe that there was a set of persons seeking, night after night, to destroy that interest. Almost the whole of the navigation with the countries that had adopted the reciprocal system, was carried on by foreigners.

The petition was then laid on the table.

FRIDAY, MAY 12.—Mr. Huskisson, on rising to move for returns relative to British Shipping, Seamen, &c., spoke, in substance, as follows:—

“Sir, in the course of the last session of parliament, an hon. member (Mr. Robertson) frequently took occasion to indulge himself in certain oracular denunciations, foreboding the ruin of this country as the result of the commercial and foreign policy of the Government. At that period, the commerce of the country, it must be allowed, was at least sufficiently active, and the demand



for mercantile shipping greater, perhaps, than had ever before occurred. Whether from these circumstances, or from the solemn tone of mystery in which the hon. member's denunciations were delivered, they did not, at the time, make any considerable impression, either in this house or out of doors. Recently, however, a variety of petitions has been presented to parliament, from persons connected with the port of London, and with several other commercial towns, expressing their apprehensions, that the shipping interest is in a state of decay, and that the foundations of the prosperity and security of the country are, in consequence, likely to be undermined. When such impressions have been created in quarters, where the authority of the petitioners, so far as their observations go, is entitled to the greatest consideration, I trust that no apology will be requisite for claiming the attention of the house—or at least that portion of it who are now present\*—to a subject of such vital importance to the maritime power and greatness of the country. I am well aware of the reluctance which hon. gents. must feel to a statement, from its nature necessarily dry and tedious; but I am also aware that the matter involved in it is of too much importance not to demand the deepest attention; for, if the fears expressed in the petitions on the table of the house be well-founded, it is scarcely necessary for me to say that the sooner an inquiry takes place the better.—The house, sir, is aware that our navigation laws have a two-fold object: first, to create and maintain in this country a great commercial marine; and secondly—(an object not less important in the eyes of statesmen)—to prevent any one other nation from engrossing too large a portion of the navigation of the rest of the world. Acting upon this system, the general rule of our policy has been to limit, as much as possible, the right of importing the productions of foreign countries into this country, either to ships of the producing country, or to British ships. There certainly have been exceptions to this general rule, but it is the broad principle upon which the navigation system of this country was founded; and it is obvious, that the motives for adopting that system were, first, that such portion of the carrying trade of foreign countries as does not devolve to British shipping should be divided, as equally as possible, amongst the other maritime states, and not engrossed by any one of them in particular; and, secondly, that countries entertaining relations of commerce with this country, and not possessing shipping of their own, should export their produce to England in British ships only, instead of employing the vessels of any third power. But, when I state that the first object of our navigation system was to create and uphold a great commercial marine, I think I may add, without fear of contradiction, that that object could not have been effected solely by regulations, restrictions, or prohibitions, however judiciously devised. The only true and durable foundation of a large commercial marine is to be laid in the means of affording to it beneficial employment. Without such employment—without, in short, extensive commerce, and great capital, to sustain and invigorate

that commerce—no laws, merely protective, will avail. Whatever, therefore, contributest to extend the general commerce of the country, must, incidentally,—I may almost say directly,—contribute also to improve and extend its navigation. These two great elements of our power and wealth are, of necessity, closely and intimately connected. I do not mean to say that their interests are always identified. I know they are not so. I know full well that every thing which interferes with the freedom of commerce is more or less disadvantageous to the capitals which are employed in it. I am ready to admit, as consistent with this general principle, that the regulations of our navigation system, however salutary they may be, must, more or less, act as a restraint on that freedom of commercial pursuit, which it is desirable should be open to those who have capital to employ. I am, however, at the same time, bound to say, that those regulations are founded on the first and paramount law of every state,—the highest ground of political necessity,—the necessity of providing for our own safety and defence; the necessity of being prepared to afford security to our numerous colonial possessions scattered throughout all the seas of the world; the necessity of protecting the different branches of our widely-spread commerce against all the risks attendant on a state of war; and, lastly, the necessity of preserving our ascendancy on the ocean, and thereby sustaining the high station in the rank of nations, which that ascendancy, more than any other circumstance, has given to this country. Entertaining these opinions, I am as ready as any man can possibly be, to say that it is our duty, on all occasions, to look to the peculiar nature of this state necessity; and that, whenever the interests of commerce and navigation cannot be reconciled, the feeling which ought to be uppermost in our minds should be,—(I, sir, have no hesitation in stating it to be my feeling)—that the interests of commerce, in all such instances, ought to give way, and those of navigation to have the preference.—I trust that I have, in this brief statement, now placed myself fairly before the house: and if the measures recently adopted by his Majesty's Government have laid this country open to the danger with which, according to some, it is threatened, certainly I have imposed on myself no light task, in attempting to vindicate and defend those measures. I begin with laying it down as a general position, that, in looking to the interest of the ship-owner, we ought not to cramp commerce beyond the degree which state necessity requires for the protection of our navigation. I say, that, apart from the considerations upon which the navigation laws were founded, we are bound not to depress one branch of industry, in order to give undue encouragement to another. The questions, therefore, which we have to consider are these:—First, whether the alterations which have been made in the system of our navigation laws have, or have not, exposed the great public interests, for the support of which that system was established, to jeopardy and hazard?—Secondly, whether those alterations are such as to have placed any particular branches of the shipping interest of the country in a situation of difficulty, such as to entitle them to specific consideration?—Thirdly, whether, in the alterations which have been adopted, his

\* It is worthy of remark, that during the whole of the rt. hon. gent.'s speech, which lasted two hours and a quarter, the house was extremely thin.—*Times*.



and bulky goods; they had a great command of timber, and could build ships at a cheap rate. They had, therefore, acted in a great measure on the principle of reciprocity, because such was their interest. Then came the treaty with the Dutch, affecting to be founded on the same system. They, with some exceptions, consented to reciprocate. Then we laid an additional duty on exported salt, whereupon the Dutch repealed their reciprocation act, and imposed a duty of 10 per cent. on our ships entering their harbours. It could not, then, but be obvious upon what an unstable footing this system of reciprocity rested. He wished to remind the house that the French had decreed, that after the 5th of April next, they would not receive any colonial produce from this country; and when it was considered that the warehouses of our merchants were at present filled with sugars and other merchandize, and that they would not be able to dispose of any portion of these amongst the French, as they had hitherto been in the habit of doing, it would easily be conceived how much our distress would be augmented by this decree. Let the British merchant look to it in time, and make an effort to prevent that ruin which ministers would soon bring upon the country, unless arrested in their progress. In these South American treaties, there was not a reciprocity, but a total abandonment on our part of the principle of the navigation laws. This country would be deprived, by these measures of ministers, of the warehousing system, and the carrying trade.

Sir Robert Inglis rose to advert to the 12th article of the Colombian treaty, in which he saw nothing like the reciprocity of which they had heard so much. By this treaty it was provided, that no subject of Colombia who might happen to be in this country, should be disturbed in the exercise of his religion, but that he should be permitted to worship God according to the dictates of his conscience, either in public or in private. But what was the case of British subjects in Colombia? They were indeed to be permitted to exercise their own religion in private, but there was no provision for allowing them this privilege in public. When he reflected on the favourable spirit as to religious toleration which was represented to prevail in Colombia, he thought more might have been effected than a mere permission to use our own form of worship in private. He was induced to make these observations, because four states still remained to be treated with, and in treating with them, at least, he hoped that a perfect reciprocity in these matters would be secured to the subjects of this country.

The Chancellor of the Exchequer regretted that the hon. member had not made his observations in the presence of his rt. hon. friend (Mr. Huskisson), who would, he had no doubt, have been able to satisfy him that there were good reasons why more was not exacted from the Colombians on this head. For his part, notwithstanding that spirit of religious toleration which had been said to prevail in the Colombian Government, he could readily conceive that it might not be possible so far to do away with the prejudices of the great mass of the people as to render it advisable to have adopted the suggestion of the rt. hon. member at present. But he should be happy if that spirit of toleration which had been alluded to, should be found to give more privilege in re-

ligious worship to the subjects of this country than had been secured to them by the treaty. He should also be happy if the hon. bart. would extend his views with regard to religious toleration, as well to Protestant as to Catholic countries (hear, hear).

The bill was then read a second time.

MONDAY, APRIL 17.—A petition was presented from the ship-owners of Sunderland, for a protecting duty against foreign shipping.

Sir M. W. Ridley supported the petition. It was not a little extraordinary that between 1821 and 1825 the tonnage of British and foreign shipping engaged in our trade having been doubled, the foreign shipping had increased in equal proportion with the British. Another circumstance worthy of remark was, that there was uniformly an increase in the shipping of those countries with which we had entered into commercial treaties, while there was no increase of the shipping of those countries with which we were not bound by any such treaties. The increase of foreign shipping was clearly calculated to injure our carrying trade, and the great nursery of our seamen.

Mr. Hume was sorry that ministers were not present, when a subject of so much importance was before the house. If they had been in their seats, he would have recalled to their memory, the speech delivered by the late Mr. Ricardo, when this subject was under debate. He stated distinctly, on that occasion, that if this country acted upon the system of reciprocity, without repealing the heavy duties by which the shipping interest were oppressed, the consequence would be, beyond all doubt, that we should lose that branch of our trade; and he voted for the bill only on the understanding, that in the ensuing session all those duties would be removed. He (Mr. Hume) entirely concurred in Mr. Ricardo's opinion. If the taxes on our navigation were repealed, he believed, that under the freest competition, British shipping would keep their ground against all their rivals from every part of the world; but for that purpose it was essential that the taxes should be abolished on hemp, timber, iron, tallow, and all other commodities consumed by the shipping interest.

Mr. Irving said it was a fact much to be deplored, but undoubtedly true, that the employment of British shipping was now greatly confined to the colonial trade; and he regretted to observe that there was a set of persons seeking, night after night, to destroy that interest. Almost the whole of the navigation with the countries that had adopted the reciprocal system, was carried on by foreigners.

The petition was then laid on the table.

FRIDAY, MAY 12.—Mr. Huskisson, on rising to move for returns relative to British Shipping, Seamen, &c., spoke, in substance, as follows:—

"Sir, in the course of the last session of parliament, an hon. member (Mr. Robertson) frequently took occasion to indulge himself in certain oracular denunciations, foreboding the ruin of this country as the result of the commercial and foreign policy of the Government. At that period, the commerce of the country, it must be allowed, was at least sufficiently active, and the demand



terprize—were only met, on the part of the British Government, by a constant succession of new laws, enforcing still more restrictive regulations, framed in a spirit of still more vexatious interference. One instance of the character of that legislation will be sufficient; and I give it, as a slight specimen of the commercial jealousy which prevailed in our councils, in reference both to the colonies and to Ireland. A ship from our American possessions, laden with their produce, was stranded on the coast of Ireland. It will naturally be supposed, that the cargo was landed, and the ship repaired, in that country. No such thing. The law compelled the owners to send another English ship from England, for the purpose of bringing away the cargo:—a cargo which, not improbably, might then be wanted in the Irish market, and which was, perhaps, destined to be ultimately consumed there, after having been trans-shipped in a port of that country, landed in an English port, and again re-shipped to Ireland.—This is a sample of the real grievances under which our American colonies laboured. Such a state of law could not fail to engender great dissatisfaction, and much heart-burning. It is generally believed, that the attempt to tax our American colonies, without their consent, was the sole cause of the separation of those colonies from the mother country. But, if the whole history of the period between the year 1763 and the year 1773 be attentively examined, it will, I think, be abundantly evident, that, however the attempt at taxation may have contributed somewhat to hasten the explosion, the train had been long laid, in the severe and exasperating efforts of this country, to enforce, with inopportune and increasing vigour, the strictest and most annoying regulations of our colonial and navigation code. Every petty adventure in which the colonists embarked, was viewed, by the merchants of this country, and the board of trade of that day, as an encroachment on the commercial monopoly of Great Britain. The professional subtlety of lawyers, and the practical ingenuity of custom-house officers, were constantly at work, in ministering to the jealous but mistaken views of our sea-ports. Blind to the consequences elsewhere, they persevered in their attempts to put down the spirit of commercial enterprize in the people of New England, until those attempts roused a very different spirit;—that spirit which ventured to look for political independence from the issue of a successful rebellion. The result is well known. The country found itself engaged in a civil war. That war, in its progress, involved us in the greatest difficulty and embarrassment. It was terminated by submitting to humiliations such as, I trust to God, the Crown of Great Britain will never again be exposed to.—America was not the only part of our dominions in which we were called to pay the penalty of humiliation. Ireland, towards which we had acted in the same spirit of commercial jealousy as towards our American colonies, took advantage of our difficulties, and refused any longer to hold her industry and trade subject to our system of exclusion. To the parliament and volunteers of Ireland, we had also to capitulate. If the capitulation was mortifying to the pride of England, fortunately it neither compromised our honour, nor involved any concession beyond what was strictly a debt of

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justice to Ireland. The benefits of our commercial and navigation system were extended to her. She was permitted to trade direct to the colonies, and placed rather upon the footing of a partner than that of a dependent, in the concerns of the British empire.—If I have gone into this detail, I have done so, because it appeared to me necessary, as bearing, in a peculiar manner, upon the question now before the house. The immediate lesson which I draw from it is this—that it is a part of political wisdom, when danger is foreseen, not supinely to wait for its approach, but, as far as possible, to take timely measures for its prevention.—The peace with America gave the first great blow to the navigation system of this country. There had now arisen an independent state in the new world. Our colonies had fought for, and had taken, a station in the rank of nations. They had now interests in navigation to attend to, and a commerce of their own to protect. It therefore became imperative on this country, unless we were prepared to relinquish all trade with America, to conform to circumstances. It was impossible for us, in this new state of things, to enforce the system of our navigation laws, which, until then, we had so rigidly insisted upon. That part of the system which provided, that none of the productions of Asia, Africa, or America, should be imported into England, except in British vessels, could no longer be adhered to.—After the peace of 1783, and before the general congress of America had established that system of government, under which the people of the United States now live—a work which was not completed until the year 1787—each of the different States, then composing the union, was at liberty to act independently of the others, in matters relating to its trade with foreign countries. Accordingly, almost every state established a different rule of commercial intercourse with this country. The general character, however, of their legislation was conceived in a spirit of peculiar hostility (not unnatural, perhaps, so soon after the exasperation excited by civil discord) against trade with Great Britain. In some of those states, indeed, British merchants were prohibited from trading with them altogether; in others, heavier duties were specifically imposed upon British merchandize; and in all, a desire was manifested to give a decided preference to the goods of other countries. This state of things continued until the year 1787, when the general congress met, and one uniform system of commercial policy was laid down. By that system, a heavy blow was aimed at the navigation system of this country. It was resolved, that all foreign ships, trading to America, should pay half a dollar—which was afterwards raised to a dollar—per ton duty, beyond what was paid by national ships. And further, that goods imported in foreign vessels should pay a duty of ten per cent., over and above what was demandable on the same description of goods imported in American vessels. This system—in the adoption of which, the Americans had, in a considerable degree, followed the example of their English ancestors—was likely to become seriously prejudicial to the commerce and navigation of this country. The proper authorities, therefore, set about considering what was to be done in order to counteract it. The Board of Trade had recourse,



Majesty's Government have been actuated by a mere gratuitous desire to make experiments, and to try the effect of innovation; or whether those alterations, even if attended with some inconvenience to particular interests, were not called for by circumstances, in order to obviate greater inconvenience which might have arisen to the general interest, if we had rigidly persisted in the course which we formerly pursued?—Now, sir, before I join issue with those who call in question the necessity or expediency of the alterations which have been made in the system of our navigation laws, the house will, perhaps, permit me shortly to recal to their recollection the principal outlines of that system,—a course which is necessary, in order to mark more distinctly the alterations which have been made in it.—The great charter of the navigation system of this country is the act of the twelfth of Charles II. The different modes which that act provided for the encouragement of shipping, may be arranged under the five following heads:—First, the Fisheries. The ocean is a common field, alike open to all the people of the earth; its productions belong to no particular nation: it was, therefore, our interest to take care that so much of those productions as might be wanted for the consumption of Great Britain, should be exclusively procured by British industry, and imported in British ships. This is so simple and reasonable a rule, that, in this part of our navigation system, no alteration whatever has been made; nor do I believe that any will ever be contemplated.—The second object which the navigation laws had in view, was to give to the shipping of this country employment in what is called the Coasting Trade. When those laws were first passed, that trade was confined to England only; but, since we have become legislatively united with Scotland and with Ireland, it has embraced the whole of the British islands. In this important part of our policy also there appears to be no motive for alteration: I shall, therefore, dismiss it with a single observation. The law, in this respect, remains unchanged, and will remain unchanged, so long as we have a desire to maintain a great commercial marine.—The third object of our navigation system was the European Trade. The rule laid down, with regard to that trade, was—that the ships of the other states of Europe were to be at liberty to bring, from any port in Europe, any article of European production, with the exception of certain articles, since known in trade by the name of 'enumerated articles.' They amount in number to twenty-eight, and include those commodities which, being of the most bulky nature, employ the greatest quantity of shipping. With respect to these 'enumerated articles,' the exception was this—that they should not be brought to our ports in any other than British ships, or ships of the country in which they were produced, proceeding directly from such country to this. This was the general state of the law, in respect to European commerce, from the time of its enactment, in the 12th Chas. II. down to a recent period. Its provisions, however, were more rigorous and exclusive towards Holland and the low countries. The regulations of that period were not framed merely for the preservation and encouragement of our own commerce, but also to weaken the powerful marine of Holland. Guided by this policy, our an-

cestors applied more severe measures towards the Dutch, than they thought necessary towards any other nation. In this spirit it was that they prohibited the importation, generally, of the productions of the other countries of Europe from Holland; instead of confining that prohibition to the twenty-eight enumerated articles.—The fourth object of our navigation system was to regulate our commerce with Asia, Africa, and America. The rule of law on this head was, that no article, the produce of either of those three quarters of the globe, should be allowed to be brought into an English port, except in a British ship.—The fifth and last part of the system of our navigation laws related to our colonies. The principle on which we acted towards those colonies was strictly to confine them, in all matters of trade, to an intercourse with the mother country. They were not allowed to dispose of any of their produce, otherwise than by sending it in British vessels to this country. They were equally restricted from receiving any articles necessary for their consumption, except from this country, and in British bottoms.—This, I apprehend, is a fair summary of the main points of encouragement to the shipping interest of Great Britain, and of repression of the shipping of other states, aimed at by our navigation laws, as those laws existed from the twelfth of Charles II. down to the year 1788. In mentioning this latter period, I advert to it now as the commencement of that mighty change in the state of the world, the foundation of which had been then laid in the progress, and unfortunate issue, of the American war. But, before I state what that change has been, so far as relates to navigation and commerce, I shall, perhaps, be permitted briefly to notice some of the circumstances which had prepared the way for this calamitous contest:—the result of which, as I shall shew presently, rendered the revision of our navigation system a matter no longer of choice but of necessity;—a result, which, in its consequences, in less than half a century, has dragged after it nearly the whole colonial system of the old world.—Sir, the war which began in the year 1756, commonly called the seven years' war, was, strictly speaking, so far as relates to this country and to the Bourbon Governments of France and Spain, a war for colonial privileges, colonial claims, and colonial ascendancy. In the course of that war, British skill and British valour placed in the hands of this country Quebec and the Havannah. By the capture of these fortresses, Great Britain became mistress of the colonial destinies of the western world. What use we made of our successes in that quarter, I will not now stop to inquire. But if the proceedings of the Government of this country, after the peace of 1763, be closely examined, we shall find, that many of the causes which, ten years afterwards, led to the unfortunate rupture with our colonies, now the United States of America, may be traced to our unseasonable attempts to enforce, in their most rigid and exclusive application, our colonial and navigation system. Every complaint, every petition, every remonstrance, against the oppressive tendency, and vexatious consequences, of that system, on the part of the inhabitants of New England,—every temperate effort made by them to obtain some slight relaxation of the trammels that shackled their disposition to engage in commercial ex-



terprize—were only met, on the part of the British Government, by a constant succession of new laws, enforcing still more restrictive regulations, framed in a spirit of still more vexatious interference. One instance of the character of that legislation will be sufficient; and I give it, as a slight specimen of the commercial jealousy which prevailed in our councils, in reference both to the colonies and to Ireland. A ship from our American possessions, laden with their produce, was stranded on the coast of Ireland. It will naturally be supposed, that the cargo was landed, and the ship repaired, in that country. No such thing. The law compelled the owners to send another English ship from England, for the purpose of bringing away the cargo:—a cargo which, not improbably, might then be wanted in the Irish market, and which was, perhaps, destined to be ultimately consumed there, after having been trans-shipped in a port of that country, landed in an English port, and again re-shipped to Ireland.—This is a sample of the real grievances under which our American colonies laboured. Such a state of law could not fail to engender great dissatisfaction, and much heart-burning. It is generally believed, that the attempt to tax our American colonies, without their consent, was the sole cause of the separation of those colonies from the mother country. But, if the whole history of the period between the year 1763 and the year 1773 be attentively examined, it will, I think, be abundantly evident, that, however the attempt at taxation may have contributed somewhat to hasten the explosion, the train had been long laid, in the severe and exasperating efforts of this country, to enforce, with inopportune and increasing vigour, the strictest and most annoying regulations of our colonial and navigation code. Every petty adventure in which the colonists embarked, was viewed, by the merchants of this country, and the board of trade of that day, as an encroachment on the commercial monopoly of Great Britain. The professional subtlety of lawyers, and the practical ingenuity of custom-house officers, were constantly at work, in ministering to the jealous but mistaken views of our sea-ports. Blind to the consequences elsewhere, they persevered in their attempts to put down the spirit of commercial enterprize in the people of New England, until those attempts roused a very different spirit;—that spirit which ventured to look for political independence from the issue of a successful rebellion. The result is well known. The country found itself engaged in a civil war. That war, in its progress, involved us in the greatest difficulty and embarrassment. It was terminated by submitting to humiliations such as, I trust to God, the Crown of Great Britain will never again be exposed to.—America was not the only part of our dominions in which we were called to pay the penalty of humiliation. Ireland, towards which we had acted in the same spirit of commercial jealousy as towards our American colonies, took advantage of our difficulties, and refused any longer to hold her industry and trade subject to our system of exclusion. To the parliament and volunteers of Ireland, we had also to capitulate. If the capitulation was mortifying to the pride of England, fortunately it neither compromised our honour, nor involved any concession beyond what was strictly a debt of

justice to Ireland. The benefits of our commercial and navigation system were extended to her. She was permitted to trade direct to the colonies, and placed rather upon the footing of a partner than that of a dependent, in the concerns of the British empire.—If I have gone into this detail, I have done so, because it appeared to me necessary, as bearing, in a peculiar manner, upon the question now before the house. The immediate lesson which I draw from it is this—that it is a part of political wisdom, when danger is foreseen, not supinely to wait for its approach, but, as far as possible, to take timely measures for its prevention.—The peace with America gave the first great blow to the navigation system of this country. There had now arisen an independent state in the new world. Our colonies had fought for, and had taken, a station in the rank of nations. They had now interests in navigation to attend to, and a commerce of their own to protect. It therefore became imperative on this country, unless we were prepared to relinquish all trade with America, to conform to circumstances. It was impossible for us, in this new state of things, to enforce the system of our navigation laws, which, until then, we had so rigidly insisted upon. That part of the system which provided, that none of the productions of Asia, Africa, or America, should be imported into England, except in British vessels, could no longer be adhered to.—After the peace of 1783, and before the general congress of America had established that system of government, under which the people of the United States now live—a work which was not completed until the year 1787—each of the different States, then composing the union, was at liberty to act independently of the others, in matters relating to its trade with foreign countries. Accordingly, almost every state established a different rule of commercial intercourse with this country. The general character, however, of their legislation was conceived in a spirit of peculiar hostility (not unnatural, perhaps, so soon after the exasperation excited by civil discord) against trade with Great Britain. In some of those states, indeed, British merchants were prohibited from trading with them altogether; in others, heavier duties were specifically imposed upon British merchandize; and in all, a desire was manifested to give a decided preference to the goods of other countries. This state of things continued until the year 1787, when the general congress met, and one uniform system of commercial policy was laid down. By that system, a heavy blow was aimed at the navigation system of this country. It was resolved, that all foreign ships, trading to America, should pay half a dollar—which was afterwards raised to a dollar—per ton duty, beyond what was paid by national ships. And further, that goods imported in foreign vessels should pay a duty of ten per cent. over and above what was demandable on the same description of goods imported in American vessels. This system—in the adoption of which, the Americans had, in a considerable degree, followed the example of their English ancestors—was likely to become seriously prejudicial to the commerce and navigation of this country. The proper authorities, therefore, set about considering what was to be done in order to counteract it. The Board of Trade had recourse,



for advice, to the most eminent merchants and practical men; and various projects were started on the occasion. One plan proposed to give a bounty on all goods exported to America in British ships. Another, to impose a duty on all articles carried out of this country in American ships. A third, to retaliate upon the Americans, and, following their example, to lay a specific duty on American ships, and on goods imported in those ships. These and various other plans, having the same object in view, on being sifted and examined, were found to be open to insuperable objections. It was shewn that, without attaining their object, they would prove injurious to the commerce and manufactures of this country; and all of them were, in consequence, abandoned. After this inquiry, and a long struggle to counteract the navigation system of America, without in any degree relaxing our own, this country found it necessary to adopt the system of reciprocity, on which, since the year 1815, the commercial intercourse between the two countries has been placed; namely, equality of all charges upon the ships belonging to either country in the ports of the other, and a like equality of duty upon all articles the production of the one country, imported into the other, whether such importation be made in the ships of the one or the other. In the practical consequences of this arrangement, our adherence to another part of our Navigation Laws, instead of serving, appears to me to have shackled the shipping interest of this country. Our law still provides that goods, the produce of Asia, Africa, or America, shall not be imported in foreign ships, unless they be the ships of the country of which the goods are the produce. The Americans retaliate this restriction by applying it to all goods the produce of Europe. An American ship trading to this country has, in consequence, a great advantage over a British ship trading to America. The American vessel, on her voyage to England, is freighted with a cargo wholly produced in the United States. She has nothing else to bring here. For her return to America she may load in the ports of this country with a cargo, partly the produce or manufacture of Great Britain, and partly of any other country. The British ship is debarred from this advantage. Her cargo, when trading to the United States, must be exclusively of British origin. For instance, an American vessel, at the port of Liverpool, may take nine-tenths of her cargo, in articles the produce of Lancashire, and the remainder may be made up of brandies, wines, or the produce of any other part of the world, to be procured at Liverpool. But, if an English ship, proceeding to the United States, were to take a single cask of brandy, or a single pipe of wine, she would be liable to seizure and forfeiture. Is it not, therefore, fairly to be presumed, that a further relaxation of our system, to the extent of allowing the importation, from the United States, of goods, the produce of any part of the world, in American shipping, on condition of the like privilege being granted to British ships in the ports of the United States,—however departing from the policy of our ancestors,—would be rather an advantage than an injury to the shipping interest?—Shortly after the commercial legislation of the United States had assumed, in 1787, a regular shape, and an uniform character, the war of the French

Revolution broke out; a war which lasted nearly a quarter of a century. The course of this war was marked by so many strange and anomalous circumstances, both by land and upon the ocean;—so large a portion of the continent of Europe, including nearly all its trading and maritime communities, became subjected to the despotism of one great military power;—that despotism was exerted in so extraordinary a manner to crush maritime commerce, that it would be vain to enter upon the history of our navigation system, or that of other countries, during this long contest. It is, however, certain that the commerce of the United States of America, which were the only, at least almost the only, neutral power that could trade in safety, was greatly benefited by the war. It is equally true, that Great Britain, being well able to protect her commercial marine, in consequence of her vast naval superiority, did extend that commercial marine, in spite of all difficulties, whilst that of the other countries of Europe was greatly reduced. It is unnecessary for me, as the facts are so well known, to dwell further on the circumstances of that war. We may, therefore, as far as relates to the present question, pass over the period between 1792 and 1815. At the latter period, peace being restored, and with it, the independence of the States which had been incorporated with France, the commerce of the world began to revert to its ancient channels. The nations of Europe, whose flags had, for so long a series of years, disappeared from the ocean, were now naturally anxious that their own trade should be carried on in their own ships. This gave a check to the shipping of the United States, which was also felt by the shipping of this country: perhaps in a greater degree by our own shipping, in consequence of the restitution of several extensive and valuable colonies, which we had captured and held during the war. Besides this material circumstance, there were others, to which I will briefly advert, which had a natural and inevitable tendency to interfere with, and diminish, the employment for shipping in this country. The first to which I shall allude is the abolition of the slave trade. They who are old enough to remember,—and I am one of the number,—the early debates which took place on this subject, will recollect, that the arguments in opposition to the measure were grounded chiefly on the danger from which it threatened the shipping interests of the country. The necessity of kidnapping cargoes of slaves on the coast of Africa was, at that time, as coolly defended, on the score of encouragement to our marine, as the taking of cod-fish on the banks of Newfoundland could be at the present day. That traffic was, however, abolished in 1806; and, happy I am, that the interests of humanity, and the honour of the English name, were from that year, no longer sacrificed to the plea of the shipping interest: though I may, I think, fairly adduce the abolition of the slave trade as having taken away one source of employment.—After the general pacification of Europe, but before we dismantled our fleet, we insisted on the powers of Barbary desisting from the practices of maritime warfare, carried on by cruisers under their flags, in the Mediterranean. These corsairs were constantly taking prisoners, either for the sake of ransom, or for the purpose of carrying them into slavery. Whilst this system was in



olated, scarcely any trading vessels, those of Great Britain excepted, could navigate that sea in safety. In this state of things, it was highly honourable to this country to have used her naval power, the dread of which had constantly ensured respect for her own flag,—for the purpose of procuring an equal degree of security for the navigation of all Christian states. This was no positive duty which we were bound to perform. We were not called upon by any international engagement, nor by any moral obligation, as in the case of the slave trade. The act was one of spontaneous generosity. But, however high-minded in principle, it is not the less true that the result of our interference was injurious to the shipping interest of this country, in the Mediterranean. Since the bombardment of Algiers, the flag of every petty state, bordering on that sea, floats in equal security with our own. I am not accurately informed what was the quantity of British shipping employed in the carrying and coasting trade of those states before this change, but I have heard it stated, in this house, by one likely to be well informed,—the late Mr. Marryat,—that from eight to ten thousand British seamen, and from seven to eight hundred British vessels, were engaged in that commerce. Consequently, to that extent has the employment for British ships been diminished in the Mediterranean. But these were not the only circumstances, at the close of the late war, which had a tendency to reduce the amount of our shipping. With the termination of hostilities, there was necessarily a diminished demand for ships in the public service. The greatest proportion of those which had been taken up as hired transports was discharged. I have obtained a statement of their number and tonnage, as they stood at the termination of the war—and of the number and tonnage of those employed at the present period. The diminution is not less than 1226 vessels, amounting to 270,382 tons. In the next place, we had to sell out of the King's service a number of vessels, which were no longer wanted in the navy. I do not advert to ships of the line, or to frigates of a large class, which are always sold, subject to the condition, that they shall be broken up. Of this latter description of ships I take no notice; but confine my statement to vessels of smaller burthen, adapted to other purposes than those of war, and which are consequently not required so to be broken up. Of this class, there has been sold no less a number than 333, the amount of their tonnage being 93,530 tons. So that, if we add to the number of transports discharged the number of ships sold, we shall find that his Majesty's Government have set free, to compete with the commercial marine of the country, 1559 vessels, amounting in tonnage to 363,912 tons; a quantity nearly equal to one-fourth of the whole shipping of the country as it stood in the year 1793, at the commencement of the late war. But this is not all. If the difference of circumstances under which trade is carried on, in time of peace and in time of war, be taken into consideration, we shall find that, in the former period, a much smaller number of vessels is required for the same extent of transactions, than in the latter. In time of peace, the moment a ship has landed her cargo, she is at liberty to sail again, and is dispatched on another voyage as soon as possible. During the last

war, we were obliged, in almost all cases, to place our merchant ships under the protection of convoy; and, in spite of all the exertions of the admiralty, it was frequently difficult to provide convoys, as expeditiously as the interests of commerce would have required. Four or five hundred merchantmen were sometimes collected together at one point, before the required protection could be afforded them. And when, at length, these large bodies of shipping did proceed to sea, they were under the necessity of keeping together; so that the rate of sailing, during a whole voyage, was necessarily to be regulated by the progress of the slowest sailing vessel. In time of peace it is otherwise. Ships can then traverse the ocean singly, without fear of interruption; and in their passage from one port to another, as well as in loading and unloading, every exertion is used to ensure dispatch. An instance occurred lately, at Liverpool, of a large West Indiaman arriving from Barbadoes, landing her cargo, and sailing again for that island, in the course of one week. The multiplication and convenience of docks have also greatly contributed to obviate delay in the discharge and loading of vessels. Upon the whole, I shall not be overstating the proportion when I say that two-thirds of the number of vessels, necessary in time of war, are fully sufficient for all the purposes of the same extent of commerce, in time of peace.—There is yet another circumstance to which, before I quit this part of the subject, I must refer. I mean the alteration made in the year 1815, in the foreign corn trade of the country. During the war, this trade afforded regular employment to no inconsiderable quantity of shipping, but since the law has been altered, and the ports have been generally shut against the importation of foreign corn, that employment has ceased. In a desultory intercourse, like that which alone can exist under the present law, the opening of the ports being sudden, and, in most cases, uncertain, till the quarterly average is declared, it is almost impossible that the trade, when permitted, should not fall into the hands of the foreign ship-owner. The period for which the ports may continue open being limited to a few weeks, the persons who wish to take advantage of that opening, instead of fitting out ships in our ports, send their orders to the continent, with directions to forward the corn by any vessels that can be procured on the spot. Hence the almost exclusive employment of foreign shipping in this occasional trade.—I must now crave the indulgence of the house while I shew what was the situation of this country, with regard to its shipping previous to the last war. In 1792, one of the most prosperous years which the country has ever known,—the year immediately preceding the breaking out of that war, in which we were called upon to make such immense efforts to maintain our naval superiority—the number of registered ships in the several ports of the British empire was 16,079; the amount of their tonnage 1,540,145 tons. In the present year, that is to say, in the year ended the 31st of Dec. 1825, the number of registered ships was 24,174; and the amount of their tonnage 2,542,216 tons; shewing an increase of one-third in the number of ships, and of two-fifths in the tonnage, within that period. Having stated the number and tonnage of our registered vessels at the commencement of the late war, I will now shew



what they were at its close. In 1815, the number was 24,860, and the amount of their tonnage 2,681,726 tons. It appears, therefore, that there has been, since the conclusion of the war, a decrease in our shipping of 686 vessels, and 139,060 tons; but I have, I think, shewn satisfactorily that, upon the return of peace in 1815, our commercial marine was greatly in excess of what was requisite, in the then altered situation of the country. As connected with this part of our inquiry, it is material to ascertain the number of vessels that have been built in the British dominions, since the termination of the late war, and to compare it with the number built in former periods. It is with much satisfaction that I find myself enabled to assure the house that, taking the last thirty-seven years, the number of ships annually built in Great Britain, instead of decreasing, has increased. The documents which prove the correctness of this statement are already upon the table of the house, with the exception of those for the year 1812, which, in consequence of the calamitous fire at the Custom-House in that year could not be procured. From the returns which I hold in my hand, I find that the number of ships built, last year, in the several ports of the British dominions, exceeded the number built in any one year of the whole period to which I have referred. In the year 1814, when the war with France first terminated, the number of ships built was 818; the amount of their tonnage 95,976 tons. Last year the number of ships built was 1312; the amount of their tonnage 171,827 tons. So that in fact the tonnage of the ships built last year was little short of double the tonnage of those built in the year 1814, and exceeded considerably that of any year upon record. These details, however dry in themselves, appear to me to involve the elements of the whole question, and to afford the best criterion by which a judgment can be formed, how far the complaints which represent our shipping to have been in a state of rapid decline, are well founded. The only other comparison, growing out of the documents which I hold in my hand, is that of the number of ships which have entered inwards, and cleared outwards, to and from the ports of Great Britain, in the several years since the alterations which are objected to in our Navigation Laws. I have provided myself with a return exhibiting this comparison, from the year 1814 down to the last year; and I entreat the house to bear in mind that the complaint, in the petition on the table, is that in consequence of the alteration made in the Navigation Laws within the last three or four years, the employment of British shipping has decreased, and that of foreign vessels trading with this country has increased. I will confine the comparison to the returns of vessels, British and foreign, entering inwards; and for this reason—that it is not necessary for ships, leaving our ports in ballast, to clear out at all, and therefore the returns exhibiting the number of vessels cleared outwards must be very imperfect. I find that, in the year ended the 25th of Dec. 1824, the number of British vessels that entered inwards was 19,164, and the amount of their tonnage 2,364,249 tons. The number of foreign vessels that entered inwards, during the same year, was 5280, the amount of their tonnage being 694,880 tons. In the year ended the 25th of

Dec. 1825,—a year in which the modifications made in our Navigation Laws were in full operation,—the number of British vessels that entered inwards was 21,786; the amount of their tonnage 2,786,844 tons. The number of foreign vessels that entered inwards in that year had increased to 6561, and the amount of their tonnage to 892,601 tons. The year 1825 was, it is well known, a year of unexampled speculation in every branch of commerce, creating an unusual demand for shipping, not only in the ports of this country, but throughout Europe. And what, as regards British shipping, was the result? Why, that the positive increase of British vessels entered inwards, as compared with the year 1824, was 2622; and of tonnage 422,595 tons; while the increase of foreign vessels entered inwards, during the same year, was in number 1281; and in tonnage 197,721 tons. This at least is no unsatisfactory result. The increased employment of British shipping alone in that year exceeds the aggregate increase of employment to the shipping of all other nations of the world. But as the attention of the house has been specially referred, by the petitioners, to the state of the trade between this country and the northern parts of Europe, and more especially to the trade with Prussia, I must beg leave to enter rather more specifically into that part of their case. I am happy to be able to state, upon the authority of documents which will be laid on the table of the house that by a comparison between the British and Prussian shipping engaged in the trade between the two countries during the years 1824 and 1825, the increase of British was much greater than that of Prussian shipping in the latter year. The number of British ships trading to the ports of Prussia in the year 1824, was 470; in the year 1825, 942; being more than double the number of the preceding year. The number of Prussian ships which came to this country, in the year 1824, was 682; in 1825, the number was 887; being an increase of about one-fourth.—Such, sir, if any inference is to be deduced from the trade between Prussia and Great Britain for the last year, is the comparative growth of British and Prussian navigation. I am aware that the danger of losing our carrying trade, from the ports of the Baltic, has been the main source of the jealousy felt by the shipping interest, and of their complaints to this house. The comparison between British and Prussian shipping for the two or three last years, and especially that of the year 1825, has certainly not borne out their predictions, or justified their alarms. But it would be uncandid to deny, that we have not yet sufficient experience to warrant a positive conclusion that, prospectively, the shipping of the Prussian ports may not gain ground in the competition with our own. I am the more induced to make this remark, as, from the excessive excitement and over-trading of the last year, I am ready to acknowledge that, taken by itself, it cannot be considered as affording an estimate for the future: neither, on the other hand, perhaps, will it be fair, in 1827, to form such an estimate from the experience of the present year, which, it is as much to be feared, as a natural consequence of late excess, will be one of severe depression in the trade of this country.—Having adverted to the apprehensions which are entertained respecting our



trade with the ports of the Baltic, I have naturally been most anxious to sift to the bottom this important part of our inquiry. I know no mode so satisfactory of ascertaining what have been the fluctuations in the trade, either as respects our own share of it, at different periods, or the proportion which that share bears to the trade of other powers with the ports of the Baltic, as a reference to the annual returns of the vessels, of all nations, which have passed the Sound in a given number of years. Fortunately, the state paper office has furnished me with these returns. This account I hold in my hand, from the year 1783 to the year 1792, with the exception of the year 1789; the returns for which year have been either lost or mislaid. I also hold in my hand a similar account, from the year 1816 to the year 1825, both inclusive. The comparison of these two periods, each of ten years (both periods of peace), appears to me to afford a fair illustration of this branch of trade. I am happy to say that the result will be found highly satisfactory; for it will be seen that the number of British ships which passed the Sound in the year 1825, was not only positively greater than it was in any one of the twenty years to which I have referred, but that its proportion, with respect to the number of vessels from all other nations, was equally favourable to this country. It would be going into an unnecessary detail to give the numbers for every year of the twenty. I shall, therefore, confine myself to the five last years. The total number of ships which passed the Sound was:—

|                        | Ships of all<br>British ships. other nations. |      |
|------------------------|-----------------------------------------------|------|
| In the year 1821 . . . | 2819 . . .                                    | 6358 |
| Do. 1822 . . .         | 3097 . . .                                    | 5386 |
| Do. 1823 . . .         | 3016 . . .                                    | 6187 |
| Do. 1824 . . .         | 3540 . . .                                    | 6978 |
| Do. 1825 . . .         | 5156 . . .                                    | 7974 |

So that, looking at the proportion which Great Britain has been able to retain of the trade of the Baltic, it appears that, last year, when the total number of vessels which passed the Sound exceeded that of any former year, British shipping engrossed considerably more than one-third of the whole navigation of that sea, and had increased very nearly two-fifths, compared with the average of the four preceding years. The papers to which I have referred I propose to move for, so that the house will be able to judge from them of the correctness of my statement. In consequence of the restoration of peace, the demand for shipping, as I have already remarked, was much diminished, and the rates of freight were considerably lowered after the year 1815. This gave rise to great complaints on the part of the shipping interest. In the hope of finding some remedy for their difficulties, the house, in the year 1820, appointed a select committee to inquire into the state of our foreign commerce. My rt. hon. friend, the Master of the Mint, now absent, I am sorry to say, from indisposition, presided over the labours of that committee, and prosecuted the inquiry, in several succeeding sessions, with a degree of zeal, diligence and ability, for which the country is greatly indebted to my rt. hon. friend. One change recommended by that committee, in the navigation laws, was to the following effect:—that whereas certain goods, which I have already described as known in trade under the designation of "enumerated

articles," could only be imported in British ships, or in ships of the country in Europe of which they were the produce, and directly from that country, it was the opinion of the committee that the law ought to be so far relaxed, as to allow the importation of these articles in the ships of any country into which they had been previously imported. The recommendation of the committee was adopted by the legislature. That this relaxation has been beneficial to our commerce and navigation is now, I believe, placed beyond all doubt. It afforded a great facility to the execution of another project emanating from the same committee, and since also carried into effect;—that of establishing a general system of warehousing, so as to make this country a place of *entrepôt* for all foreign commodities. It was obviously impossible to give full scope to this system, unless we were prepared to allow greater latitude to the admission of foreign goods. The superior capital and credit of this country afford inducements to send those goods here, and their being deposited in British warehouses gives a facility to the British merchant and ship-owner to supply the demand for them in other parts of the world, through the medium of British adventure and British shipping, instead of their being sent directly to those parts in foreign shipping, from the countries of Europe in which such goods are produced. It was desirable, therefore, for the interest of our foreign trade, that we should no longer rigidly adhere to that part of the navigation act which prohibited the importation of the "enumerated articles," if brought from countries other than those of which they were the produce. Such a restraint, it is hardly necessary to say, could not fail frequently to prevent speculations of trade, in which the spirit of British enterprise would have otherwise engaged, or to throw those speculations into other channels. It interfered, likewise, to prevent the advantageous assortment of cargoes, and other commercial arrangements, as well in foreign ports as in the ports of this country; and, in this and many other ways, contributed, directly and indirectly, to diminish the employment for British shipping.—Another alteration in our navigation system has since been adopted, which certainly ought not to have been so long delayed. This alteration consists in putting the trade between Great Britain and Ireland upon the footing of a coasting trade. Every gentleman must, I think, see that from the time at least of the union of the two countries, it was desirable that their interests and commercial system should be identified as much as possible. From that period it was absurd to consider the commercial intercourse with Ireland as a part of our foreign trade, and to subject the shipping employed in it to the restrictive regulations and higher charges of that trade. But these were not the only deviations from the ancient rules of our navigation system. The revolutions which have occurred in the political state of the world, in our time, rendered other changes indispensable. There has grown up over the whole continent of America, a situation of affairs similar to that which the United States presented, after their separation from the mother country. This change, from a colonial to an independent existence, necessarily draws after it, in each particular case, the application of the new rule, which, as I have already stated, unavoidably grew out of the independence of



the United States. The first application of that rule occurred in respect to Brazil. From the moment when, in 1808, the house of Braganza transferred the seat of empire to Brazil, that country virtually ceased to be a colony. Great Britain had no choice but to apply the European principles to the commerce and navigation of Brazil, though out of Europe, and to admit Portuguese shipping,—and, since the separation of Portugal and Brazil, Brazilian shipping,—coming from that country into our ports, upon the same footing as the ships of any other independent nation. This principle has been extended, from time to time, as new states have risen up in America. When I heard the hon. member (Mr. Robertson) complain that, in our treaty of commerce and navigation with Colombia, and in that with Buenos Ayres, we had consented to place their navigation upon an equality with our own, I certainly listened to this charge with no small degree of surprise, being satisfied that what the hon. gent. censured so severely, was the very wisest principle that this country could adopt. Those states were anxious to encourage their commercial marine, by granting exclusive advantages to their own shipping, and imposing certain restrictions upon that of this country. This disposition was frequently manifested by the ministers of those states in the course of our discussions with them; and certainly there are not wanting some who are constantly endeavouring to excite in these new countries a jealousy of the naval power of Great Britain; instigating them to adopt a separate and novel code of maritime law for the new world, and to frame their navigation system upon principles of giving a preference to their own shipping, and to that of America generally, over the shipping of this country, and of Europe. Have we acquiesced in these views? Have we compromised any of the acknowledged principles of maritime law? No, sir—whilst we have explicitly refused to listen to any such compromise, we have disarmed all suspicion as to our commercial pretensions, by frankly declaring, that we sought no exclusive advantages for British ships or British trade, and that the principle of our intercourse with the new states, as with the old states of the world, would be that of a fair and equal reciprocity. This brings me to the *gravamen* of the charge made against his Majesty's Government; namely, the step taken by them, in furtherance of this principle, by the introduction of a law, enabling the Crown, with the advice of the Privy Council, to remit all discriminating duties on the goods and shipping of such countries, as may agree to impose no higher charges or duties upon British ships, and the goods imported therein, than upon their own ships, and the like goods imported in such ships. If the system of discriminating duties for the encouragement of shipping were a secret known to this country alone; if a similar system were not, or could not be, put in force in every other country, I should not be standing here to vindicate the measure to which I have just referred, and the present policy of his Majesty's Government. So long as, in fact, no independent trading community existed out of Europe, and so long as the old Governments of Europe looked upon these matters,—if they looked to them at all,—as little deserving their attention, and were content, either from ignorance or indifference, not to thwart our system,

it would have been wrong to disturb any part of it. But is this the present state of the world? Did not the United States of America, in the first instance, for the purpose of raising to themselves a great commercial marine, and of counteracting our navigation laws, adopt, in their utmost rigour, the rules of those laws, and carry even further than we had ever done in respect to foreign ships, this principle of discriminating duties against our shipping? Can we shut our eyes to the fact that other nations have followed, or are following, their example? Do we not see them, one after the other, taking a leaf out of our own book? Is not every Government in Europe, if possessed of sea-ports, now using its utmost endeavours to force a trade, and to raise up for itself a commercial marine? Have we not boasted of our navigation laws, till we have taught other nations to believe (however erroneous that belief), that they are almost the only requisite, or, at least, the *sine quâ non*, of commercial wealth and of maritime power? Did these vauntings excite no envy, no spirit of rivalry, no countervailing opposition in other countries? Did the success of the United States of America create no desire in those countries to follow her example?—It would be worse than idle, it would be dangerous, to dissemble to ourselves the great changes which have been wrought, since the establishment of American independence, in the views and sentiments of Europe, upon all matters connected with commerce and navigation. They now occupy a leading share in the attention of almost every Government. They are every where a subject of general inquiry and interest. Even in countries, of which the institutions are least favourable to the discussion of political topics, these questions are freely discussed, and by discussion, the influence of public opinion is made to bear upon the measures and policy of their Governments. In this altered state of the world, it became our duty seriously to inquire, whether a system of commercial hostility, of which the ultimate tendency is mutual prohibition,—whether a system of high discriminating duties upon foreign ships, with the moral certainty of seeing those duties fully retaliated upon our own shipping, in the ports of foreign countries,—was a contest in which England was likely to gain, and out of which, if persevered in, she was likely to come with dignity or advantage? I will lay aside, for the moment, every consideration of a higher nature, moral or political, which would naturally lead us to look with some repugnance to the engaging in such a contest. I will equally lay aside all consideration for the interest of our manufacturers, and for the general well-being of our population, who, as consumers, would obviously have to pay for this system of custom-house warfare, and reciprocal restriction; and I will view the question solely in reference to the shipping interest. In this comparatively narrow, but I admit, not unimportant, view of the question, I have no difficulty in stating my conviction,—a conviction at which I have arrived after much anxious consideration,—that, in the long run, this war of discriminating duties, if persevered in on both sides, must operate most to the injury of the country which, at the time of entering upon it, possesses the greatest commercial marine. How can it be otherwise? What are these discriminating duties, but a tax upon commerce and naviga-



tion? Will not the heaviest share of that tax fall, therefore, upon those who have the greatest amount of shipping and of trade? Before we embark in such a contest, we owe it to the character of the country, as well as to its interests, to satisfy ourselves,—first, that it is necessary for its welfare; and, secondly, that once committed to the trial with all the commercial powers of Europe, the country would have the firmness and fortitude necessary to go through with it. Do not let gentlemen too hastily decide this last point in the affirmative. Let them call to their recollection the famous orders in council;—let them, above all, bear in mind, that we have yet had but one trial of this discriminating warfare,—the trial with the United States of America,—and that we came out of that trial, after several years' perseverance, by conceding the very object, for the maintenance of which it had been carried on. Would it be politic or dignified to engage in a like struggle in Europe, with the risk of arriving at the same result? In commerce, in navigation, in naval power, and maritime pretensions, the United States are our most formidable rival; and we are now arraigned for not withholding from Prussia and Denmark, what parliament and the country, ten years ago, concurred in yielding to America!—Under what circumstances did England found her navigation system? When her commercial marine was comparatively insignificant, her wealth inconsiderable, before manufactures were established, and when she exported corn, wool, and other raw materials;—when, on the other hand, Holland and the Netherlands were rich, possessed of great manufactures, and of the largest portion of the carrying trade of Europe and the world. What has followed? The commercial marine of the latter countries has dwindled away, and that of Great Britain is now immense. But, in the progress of the change, England is become the great seat of manufactures and trading wealth, frequently importing, and never exporting, corn; drawing raw materials from, and sending out manufactured goods to, all parts of the world. This was our state, though in a far less degree than at present, when America became independent. She started by applying towards us the system, which we had applied towards Holland. She was then poor, with a very small commercial marine, without manufactures, having corn and raw materials to export;—and we know what her shipping now is. Let gentlemen reflect on these circumstances before they decide that it is necessarily wise to enter upon a similar contest with other poor and unmanufacturing countries. Let them seriously consider, whether a system of discriminating duties,—now that the exclusive *patent* by which we held that system is expired,—is not the expedient of such a country as I have described, rather than the resource of one which already possesses the largest commercial marine in the world. They will then see, that it may possibly be a wise policy to divert such countries from that system, rather than to goad them on, or even leave them a pretext for going into it. Let us for a moment, however, suppose that, at all hazards, we have embarked in this warfare of counter-acting duties. They who recommend this policy have no right to assume that, in the progress of the struggle, the discriminating duties imposed in the foreign country (Prussia, for ex-

ample) on British shipping, will not be, at least, equivalent to the like duties levied in England on Prussian shipping. The United States did not content themselves with equivalency,—they went more boldly to work;—so might any European power. If equivalent duties be established on both sides, how will they operate? It is clear that the shipping of each country will stand in the same relative situation to that of the other, as if no such duties had been imposed; the duties, therefore, in both countries will be a tax, and a very objectionable one, upon the interchange of their respective productions. But, as those productions are different, these duties will affect differently the industry of the contending parties. Our principal exports to the north of Europe are manufactured goods and colonial produce; our imports—timber, hemp, flax, pitch, tar, (occasionally corn,) and other raw materials. The former must be sold dearer in the foreign country, the latter in this country,—by all the amount of the tax. What is this in the foreign country, but a premium against our manufacturers, in favour of the rival manufactures of other states, or of the importing state itself;—and in this country, but a tax upon raw materials requisite for carrying on our own manufactures? A ship, for instance, is a manufactured article, and, to encourage our shipping, here is an additional tax upon the raw materials of that manufacture! Our cotton goods, our woollen stuffs, barely maintain a competition with those of other countries, and here is an additional tax on their importation into those countries, to turn the scale against us! Our West India planters complain of the low prices of their productions, and we provoke an additional tax, which tends to shut them altogether out of the foreign market! If the end of this warfare should be, as, pushed to the extreme, it might be, that each country should export its own productions in its own ships, and no country import the productions of another in the ships of that other, which would be the greatest loser, the country manufacturing, or the country producing the raw materials? I will not even glance at the effect of all this strife upon the consumers, that is, upon the bulk of the population; because I know that, in certain quarters, I shall be taxed with theory, if I stand up for the general interest of the community, against the pretensions of a particular class, when the interest of that class is supposed to be at stake. Indeed, I have no doubt I shall be told by some practical men, that all this is theory, to which they have a short answer. That answer is, 'We do not want any thing from the Baltic. We have plenty of timber, &c. in Canada, all of which would be brought home in British shipping; and, therefore, the powers of the Baltic must submit to our discriminating duties, without retaliation, or be content to lose our trade.' I really know not how to reason with such logicians. I believe the Baltic can do to the full as well without us, as we can do without the Baltic. We import quite as much timber from Canada as can be used, for the purposes for which that timber is fit. For other, and more important purposes, we want timber of better and more durable qualities. Looking to the shipping interests of this country, and to the interests of Canada, I am not one of those who think we have done too much for those interests, in the great preference, in point of duty,



which we have given to the Canada timber, and in the consequent sacrifices which we make to encourage the importation of that timber, inferior as it is; but I must say, at the same time, that the great annual increase of the importation from our North American possessions, under the present duty, shews that the proportion, which it bears to the Baltic duty, has not been settled to the disadvantage of the shipping employed in the Canada trade. Were it necessary, however, to make an option between a contest of discriminating duties with Prussia in the timber trade, or a further reduction of the duty on Canada timber, for the greater encouragement of our shipping, I certainly should prefer the latter measure, as the least injurious of the two to all the other interests of this country. For the reasons which I have now stated, his Majesty's government have thought it more prudent and more dignified to enter into amicable arrangements with other powers, founded on the basis of mutual interest, and entire reciprocity of advantages, rather than embark in a contest of commercial hostility and reciprocal exclusion:—a system, at best, of doubtful benefit to the shipping interest; involving the certainty of great injury to all the other important interests of the country, and which would, at last, place Parliament and the Government in the painful alternative, either of turning a deaf ear to the complaints of the many who would suffer from the contest,—or of terminating it, as other contests of a like nature have been terminated, by concession, bringing with it not only immediate humiliation, but other consequences, which do not end with the concession itself. But it is asserted, that we should not have been compelled to make our choice between these alternatives. Whilst I entreat the house to bear in mind the circumstances which I have already stated, in respect to the general feeling which prevails in the maritime countries of Europe and in America, I must now call their attention to the steps which had been actually taken by Prussia, (the first power, after the United States, with which we entered into a treaty upon this subject) before the negotiation of that treaty was entertained by his Majesty's Government. I hold, sir, in my hand a report made on the 6th of August, 1822, by the British consul at Dantzic, also reports of the vice-consuls at Königsberg and Memel, to the Secretary of State for Foreign Affairs. I will not trouble the house with reading the whole of these despatches, but I request their particular attention to the following extracts:—

*Extract of a Despatch from Mr. Consul Gibson, dated Dantzic, the 6th August, 1822.*

'My Lord.—I do myself the honour to transmit to your lordship, a translation of the Order of Cabinet (which I have only now been able to procure) respecting an increase of the government port-charges in the Prussian ports, on vessels belonging to countries between which and Prussia no reciprocity has been fixed by treaty, or which do not otherwise treat Prussian ships and their cargoes as advantageously as their own. Prussia has made arrangements with Holland, Denmark, and America, for establishing a reciprocity in this respect, and the present regulation has evidently for object to induce other countries, particularly Britain, to enter into a similar arrangement. At present,

Prussian, Dutch, Danish, and American ships pay, as public port charges here, about 46½ common groshes, or about 17½d. sterling, per last of 4000 lbs. (about 4140 lbs. English), or about 1½ tons British measurement; while British and other vessels pay about 77½ common groshes, or about 29½d. sterling per last, making 8½d. sterling per ton measurement more. The advance that is to take place will make, as it will be payable in gold at a losing valuation, viz.

|                                                                | Sterling, per<br>Ton measurement. |
|----------------------------------------------------------------|-----------------------------------|
| On ships coming in with a full cargo of goods, about - - - - - | 58d.                              |
| Do. with a quarter of a cargo or less - - -                    | 29d.                              |
| Do. going out with a full cargo - - - -                        | 29d.                              |
| Do. with a quarter of a cargo or less - - -                    | 14½d.                             |

Thus vessels arriving even in ballast, and taking a cargo back, will in future be burthened with about 37½d. sterling per ton measurement more government port-charges than Prussian ships; which, however, is not quite so great an advantage to the latter as British vessels have over Prussian vessels in Britain, by paying lower port charges, light money, &c. and less duty on the cargo, if of timber for instance, which gives the chief employment to Prussian ships. The Prussian government make this new port-charge regulation professedly from the interest created by the situation of their ship-owners, who are indeed all going to ruin.'

*Cabinet Order of the 20th June, 1822, for the Encouragement of Home Shipping.*

'In consideration of the unfavourable state of the shipping of this country for several years past, and in consequence of the representations made to me, founded on divers consultations, that the unfavourable state of things operates the more injuriously on the said trade, as the principles always observed here, of imposing moderate burthens on foreign ships frequenting Prussian ports, and of levying the same duties on goods imported or exported, whether in foreign or in native ships, are not adopted in several foreign ports frequented by Prussian ships; I have resolved, so long as these relations subsist—so detrimental to the maintenance of this important branch of domestic trade—to grant the said trade greater advantages than it has hitherto enjoyed; I, therefore, do ordain,

'First:—That the coasting trade from one Prussian port to another shall be considered, exclusively, a branch of domestic trade, and shall be carried on solely by Prussian vessels, under pain of ship and property being confiscated, upon any foreign ship-master being detected in it. Exceptions can only be allowed in very urgent cases, and only for the public good, by the provincial authorities.

'Secondly:—An increase of the hitherto existing harbour dues shall take place in all Prussian ports, on foreign ships with cargoes, in-coming or out-going, but the same shall not be applicable to the ships of those nations—

'a. With which Prussia has treaties, placing her ships and their cargoes on an equal footing with the native ships, or with those of the most favoured nations, in conformity with the stipulations therein made.



\* 5. Which from other causes treat Prussian ships with their cargoes, the same as native vessels with theirs.

\* With this restriction shall the increase take place, according to the following rates:

\* a. On in-coming ships... R. 2 per last of 4000 lbs.

\* 5. On out-going do. .... I do. do.

\* c. On ships that have only one-fourth of a cargo, or less, one-half of the above,

\* Say, in-coming ... 1

—out-going ... 0½

—Ships in ballast are not subject to the increased imposts.—The proceeds of this impost shall not be considered as an additional source of revenue to the state, but shall be applied for the benefit of the ship-owners, accordingly as you, the Minister of Commerce, shall propose to me.

\* *Thirdly*:—In order to present as far as is in the power of the state, a real source of profit to the ship-owners, the conveyance of such goods as may be for account of the Government shall be effected, in preference, by native ships, regarding which I refer to my particular order of this day.

\* The first and third of the foregoing enactments shall be put in force immediately; but the second point only in three months after publication of this Order, which is to be made through the Collection of Laws, and according to which the needful is to be decreed.

(Signed) \* FREDERICK WILHELM.

*Extract of a Despatch from Vice-Consul Tuke, dated Königsberg, 22d August, 1822.*

\* Sir,—I beg leave to draw the attention of your Excellency to several new laws and regulations of the Prussian government, which are highly detrimental to the British trade, and respecting which numerous complaints have been made to me by the merchants and ship-masters interested in the trade between this country and Great Britain.—By the last tariff, a duty of one guilder per hundred-weight is imposed on all flax, hemp, and tow, shipped in foreign vessels. This is probably intended as a measure of retaliation for the difference of import duty charged in Great Britain between goods arriving in British and foreign vessels. This law has obliged several British ships this summer to load flax at the low freight of thirty shillings per ton, instead of fifty shillings, which they would have got, had not the merchants been obliged to pay twenty florins per ton export duty, because the goods were shipped in a British vessel. As hemp and flax are, now that the corn trade no longer exists, the principal articles of export from hence, this duty bears exceedingly hard on British vessels.—According to a Cabinet Order, dated Berlin, 20th June, 1822, intended for the encouragement of Prussian shipping, the King has been pleased to direct a duty of three dollars per last to be charged on all foreign vessels arriving with cargoes after the expiration of three months. This tax is so important in its consequences as to demand immediate attention, for a moderate sized vessel will, by this Order, be compelled to pay three hundred dollars in addition to the existing heavy charges, which will

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entirely prevent our vessels from enjoying the carrying trade from home to this country.

*Extract of a Despatch from Vice-Consul Fowler, dated Memel, 21st August, 1822.*

\* This difference between British and Prussian shipping [*i. e.* the difference established by the decree of 20th of June] must drive the carrying trade in British bottoms from this port, to the great injury of the British shipping interest; for about three hundred British vessels, on an average, load here annually with timber for Great Britain, which, of course, cannot bear such heavy charges as cargoes consisting of grain, flax, hemp, tallow, &c. &c. and which are of so much more considerable value. The merchants here, who are principally British, have protested against this new regulation, and petitioned the Prussian government for the repeal thereof.

From what I have now read, the house will at once understand the nature of the measures adopted by the Prussian government, in the year 1822, and the motives which influenced them in that proceeding. What was the consequence of these measures? Why, that, in the next year, 1823, the Board of Trade, and other departments of the Government, were assailed with representations from all quarters connected with the shipping and trade of the country, against the heavy charges imposed upon British ships in the ports of Prussia. In such circumstances, what course did his Majesty's government take? We felt it to be our duty, in the first instance, to communicate with the Prussian minister in this country; and our minister at Berlin was, I believe, also directed to confer with the Prussian government on the subject. I myself had a conference with the Prussian minister at this court, and I well recollect the substance of his reply to me: 'You have,' he said, 'set us the example, by your port and light charges, and your discriminating duties on Prussian ships; and we have not gone beyond the limits of that example. Hitherto, we have confined the increase of our port and tonnage charges to ships only; but it is the intention of my government next year, [and of this he shewed me the written proof.] to imitate you still more closely, by imposing discriminating duties on the goods imported in your ships. Our object is a just protection to our own navigation; and so long as the measure of our protection does not exceed that which is afforded in your ports to British ships, we cannot see with what reason you can complain.' Against such a reply, what remonstrance could we, in fairness, make to the Prussian government? We might have addressed ourselves, it may be said by some, to the friendly feelings of that government; we might have pleaded long usage in support of our discriminating duties; we might have urged the advantages which Prussia derived from her trade with England. Appeals like these were not forgotten in the discussion, but they were of little avail against the fact stated by Mr. Consul Gibson, that 'the Prussian ship-owners were all going to ruin.' By others, it may be said, 'Your duty was to retaliate, by increasing your own port charges, and discriminating duties, on Prussian shipping.' I have already stated generally my reasons against the policy of this latter course. We

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were not prepared to begin a system of commercial hostility, which, if followed up on both sides to its legitimate consequences, could only tend to reciprocal prohibition. In this state of things, more prudently, as I contend, we entered upon an amicable negotiation with the Prussian government, upon the principle of our treaty with the United States,—that of abolishing, on both sides, all discriminating duties on the ships and goods of the respective countries in the ports of the other.—Having concluded an arrangement with Prussia upon this basis, we soon found it necessary to do the same with some other of the Northern States. Similar conventions were accordingly entered into with Denmark and Sweden. Reciprocity is the foundation of all those conventions; but it is only fair to add, that they contain other stipulations for giving facility to trade, and from which the commerce of this country, I am confident, will, in the result, derive considerable advantage.—When his Majesty's Government had successively made the concession of these discriminating duties to the United States, to Prussia, to Denmark, and to Sweden, I should have been ashamed of the councils of this country if we had hesitated to enter into a similar agreement with the free Hanseatic towns of Hamburg, Bremen, and Lubeck. These little states, I admit, had imposed no discriminating duties upon our ships, though they had the power to do so. But would it have been worthy of the character of this great country, consistent with its justice, or honourable to its generosity, to continue to levy, upon the trade and shipping of these ports, duties which were no longer paid by the subjects of more powerful states; to have made their forbearance the plea for our exaction, or to have waited to do an act of justice until they had deprived us of that plea? In our treatment of these free towns, this country ought not altogether to forget, that, amidst the barbarous ignorance and habitual violence of the feudal ages, those little republics were the refuge of commerce, and the nurseries of civilization: they were the sanctuaries, in which the arts and pursuits most conducive to the enjoyments and improvement of mankind were respected, amidst the scenes of bloodshed, rapine, and insecurity, by which they were too often surrounded. With these recollections, I shall, perhaps, be excused if I express my regret, that several of the little trading communities on the Continent have ceased to be free and independent. In point of policy, it has always appeared to me that the incorporation of these communities with the military monarchies of the Continent, was not the most satisfactory part of the late settlement of Europe. This incorporation was, probably, more the inevitable consequence of the general derangement of the war than the legitimate result of the principles which prevailed at the restoration of peace. Were I disposed to illustrate the inconvenience of that incorporation, in reference to the present subject, I might, not inopportunistly, refer to Dantzic. If, instead of passing under the dominion of an absolute monarchy, that town (formerly, I believe, one of the Hanseatic League) had continued free like Hamburg, and had the government of Prussia then said,—‘You shall not trade with us, except on such and such conditions,’—our answer might have been, ‘The commodities which we want from

your country we can procure at Dantzic, where no such conditions are imposed on British ships.’—If we look at the present question, as connected with our maritime strength, I contend that there can be little or no danger from the arrangements which I have now described. The states to which those arrangements extend, from their situation, and from many other circumstances, which it is not necessary for me to mention, never can become formidable as maritime powers; they never can dispute with us the ascendancy on the ocean, nor have they an interest in assisting others to obtain that ascendancy. Their commercial interests, and regard to their own security, must alike incline them to our side. In time of peace, it is well known; the policy of this country excludes, as much as possible, from our commercial marine the natives of all foreign countries; but, in time of war, when our native seamen are required for the king's service, we are under the necessity of admitting volunteers from other countries to man our merchant-ships. The consequence is, that, from our multiplied intercourse with those secondary states, their seamen, in time of war, tempted by higher wages and other advantages, assist in manning our merchant ships, and thereby afford us great facilities for carrying on our extensive commerce. On the restoration of peace, these volunteers are, most of them, forced to seek employment again in the merchantmen of their own countries; and their return thither contributes to give increased activity to the commercial marine of those countries. If, therefore, by this system of extended reciprocity, a somewhat larger share of the carrying trade between Great Britain and these secondary states, devolve to their shipping, in time of peace, so far as this participation is obtained at the expense of any diminished employment for our own shipping, we may regret the diminution: at the same time, if the circumstances which lead to it be unavoidable, it is some consolation to know that the corresponding increase elsewhere is divided among those countries which cannot be dangerous, and are likely to be most useful to us, in time of war. The timber trade with Norway has, at all times, been carried on chiefly in the ships of that country; they are built for the purpose, in the cheapest manner, but so rudely constructed as to be unfit for the conveyance of almost any other article. In respect to the Prussian timber ships, they are also of a construction very inferior to the shipping of this country, built for the purpose of general trade. We are told by most of the petitioners, and figures are adduced to prove the statements, that they are sent to sea and navigated at less than one-half of the expense of British ships. If it be so, the restoration of the discriminating duty, to the repeal of which these petitioners attribute all their present difficulties, would be of little avail to protect them. That protection was 2s. 9d. upon a load of timber, being the difference between 57s. 9d., the duty in a foreign, and 55s., the duty in a British ship, exclusive of some difference on account of lower port charges, and light money paid by the British ship. Against this advantage, therefore, in our ports, was to be set off the alien duty of 3s. 1½d. a ton, imposed on British ships in the Prussian ports, whether with a cargo or in ballast. The balance, therefore, on our side would be next to nothing,—totally inadequate, upon the



showing of the petitioners, as protection; but just enough to excite irritation, and to afford a pretence for vexatious restrictions on British commerce, and the introduction of British manufactures into the Prussian dominions. It has also been stated by some of the petitioners, that ship-building in this country is rendered more expensive by taxes on the materials, from which other countries are exempt. I am not aware that, in the petition from the shipping interest in the port of London, praying for a continuance of the discriminating duties, the petitioners urge the direct taxation upon the materials employed in ship-building, as a ground of complaint. It has been alleged, that the Americans build their ships upon cheaper terms than we do. This I do not believe. Timber, I admit, is cheaper in the United States, but almost every other article employed in ship-building is as dear as, and several of them dearer than, in this country. Labour likewise is dearer, and the pay of the crew full as high as, if not higher than, in England. After all, there is nothing new in the complaints now made of the increased employment of the shipping of the Northern powers, in their trade with this country. Similar complaints were made after the American war. In 1786 the ship-owners represented that our laws gave too great an advantage to foreign ships, and especially to the foreign ships employed in the importation of timber from the Baltic. In consequence of this representation, the Board of Trade of that day entered upon an inquiry into the subject. Mr. Reeves, in his work on the law of shipping and navigation, states, in reference to this inquiry, that 'In the year 1786, it was observed, that the quantity of foreign ships employed in the importation of goods from Denmark, Norway, Sweden, and the East Country, was much greater in proportion to the British, than the foreign tonnage employed in other trades; and that it was increasing in general; and the British shipping employed in some of these trades was at the same time decreasing. A reference was made, in consequence, to the Board of Customs, to see whether it might not be proper to augment the duty, called the alien's duty, or petty custom, on such of the goods enumerated and described in the eighth and ninth sections of the act of navigation as were then subject to it, and were imported from the before-mentioned countries; and whether such increase would materially operate to increase the burthens on, and consequently the prices of, those articles, if such duty were increased gradually; that is, by making it double from the first of January 1787, and treble from the first of January 1788: and in case the Board of Customs should be of such opinion, then they were called upon to consider, whether some advantage might not be given to British-built ships employed in those trades, by lowering the duties on those articles when imported in such ships; or whether both these methods might not be pursued in such proportions as might best attain the end proposed, and not materially affect the revenue.' As it does not appear that recourse was had to these expedients, it is to be inferred that, upon further consideration, it was found it would not be safe to risk the experiment. The Northern powers had not then complained of our existing alien charges upon their shipping; they had taken no steps to countervail those charges in their ports; but did it follow that they would

continue passive, if a question then at rest had been disturbed, by increasing those charges in the manner suggested? In my opinion, to leave the question at rest as long as possible, was the wisest policy for this country. It was the policy pursued until the matter was taken up, not by us but by the United States of America, and in succession by other powers. In that state of things, and after the arrangements which we had entered into with those powers, acting upon the necessity of the case, I felt, in the course of the last session, that it would be better to make our laws upon this point square with our practice;—better, as one general rule,—first, to tender to all nations alike, and indiscriminately, equal facilities of commerce and navigation, and equal inducements to visit the ports of this country, with their merchandize, either for our own consumption, or in the way of transit (*entrepôt*) to other parts of the world:—secondly, to abolish all discriminating duties affecting differently the like productions of foreign countries, and, in lieu thereof, to establish one uniform tariff for the whole:—and, thirdly, to reduce that tariff to the lowest degree, consistent, in each particular article, with the two legitimate objects of all duties,—either the collection of the necessary public revenue, or the protection requisite for the maintenance of our own internal industry. These are the principles according to which our new book of rates has been formed, and the consolidation of our innumerable, and, in many instances, inconsistent and contradictory laws of customs been effected.—A few observations on our commercial policy, with regard to our colonies abroad, will bring me, I hope, to the conclusion of this important investigation. The former colonial system of this country was simply this, that our possessions abroad should receive all their supplies from hence in British shipping, and they were prohibited from trading directly with any other country. But, so early as the year 1783,—the year in which we recognized the independence of the United States of America,—it occurred to the Government at home, that it might be somewhat hard to require of the West-India colonies to draw all their supplies from the mother country. What, then, was the line adopted? Orders in Council, allowing those colonies to trade directly with the United States of America in British shipping, were passed, from time to time, as occasion required, and the ministers, as often, came down to parliament, for bills of indemnity, for having so far violated the plantation laws. In process of time, however, the Government of the United States, jealous of a trade in which British shipping alone was employed, said to this country—'If you want the productions of our country for the use of your colonies, and will not allow us to send them in our ships, we will entirely prohibit the exportation to your colonies, in British shipping, of those articles of which your colonies stand in need.' They did so. The British Government had then recourse to another expedient, in order to avert the threatened inconvenience, and at the same time to avoid any positive alteration of our navigation laws. A sort of open mart or fair was established, at some half-way place between the coast of America and the West-Indies, to which the ships of the United States came, and where, being met by our traders, the respective parties interchanged commodities, according to their mutual



wants. But the Government of the United States again interfered, and prohibited their ships from this trade. After a suspension of intercourse had continued for some time, parliament, in the year 1822, passed an act, by which American ships were allowed to trade, directly, between the United States and our colonies, in the West-Indies and North America. Now let me ask, was it politic, was it altogether consistent with impartiality, and our friendly relations with the north of Europe, to grant to the shipping of the United States, first, in the trade between them and this country, by the treaty of 1815; and, secondly, in the trade, by this act regularly legalized, between those states and our colonies, privileges, which we continued to deny to the shipping of Prussia, of Denmark, of Sweden, of Hamburg, and of other trading communities of Europe? Upon what principle of fairness, upon what principle of sound policy, were we to continue this preference exclusively to a power, towards which, God knows, I entertain no feeling of hostility—far from it;—but, when I am speaking of that nation in a British House of Commons, it is not improper to say, that, in matters of navigation and naval power, there exists, towards us, a spirit of rivalry in the United States;—a spirit of which I do not complain, but which should incline every Englishman to doubt the wisdom of any measure, tending to encourage the growth of the commercial marine of America, by giving to it privileges greater than are permitted to the shipping of other states—states less jealous of our maritime ascendancy in time of war, and, at all times, confining their views upon the ocean to the industrious employment of their seafaring people, without looking to the ulterior object of, one day, disputing with us the dominion of that ocean. Considering, therefore, the act of 1822, and the changes which had taken place in the colonial system of other powers, it appeared to me, that the time was arrived when, upon every sound principle, it would be right to extend, to the foreign shipping of Europe, the same privilege of trading with our colonies in the new world, which had been granted to the shipping of America; and also to give a greater facility, and extension, to the intercourse between foreign countries and our colonies generally;—strictly confining, however, to British shipping only all trade between this country and the colonies, and all inter-colonial trade between the different foreign possessions of the British empire. Whether we look to the interests of our commerce, which are also the interests of our navigation;—whether we look to the separate interests of the colonies, or to the general interests of the parent country;—or whether we consider the changes which have recently taken place, especially in the new world;—all these considerations appear to me to concur in support of the measures to which I have referred, and the enlarged views of policy, upon which they are founded. Shipping, like other branches of business in this country, is liable to fluctuation. There may be great excitement at one period, and great depression at another. Last year, for instance, the demand far exceeded the means of the British ship-owners to supply it. The price of freight for foreign adventures was, in consequence, so much raised as to become a very serious injury and interruption to

other branches of navigation, more especially to our coasting trade. Yet, such was the unbridled rage for speculation which then prevailed, that our tonnage could not keep pace with it, and foreign vessels were taken up in every port of Europe, not from a preference, but because British ships could not be procured. This is not the proper occasion to inquire into the origin of the almost universal mania, which appears to have seized upon merchants and manufacturers, not of this country only, but, more or less, upon those of other countries, during the last year. It is now too generally seen and admitted, even by those who were most infected by that mania, that their speculations were carried on without reference to the habitual scale of our consumption, or to the rapid accumulation of goods, or to any of those circumstances which, in their calmer moments, direct the operations of commercial men. When prices had risen, in the first instance, from natural causes perhaps, speculation soon forced a further and more rapid rise, and the only inference, for a time, among buyers, seems to have been, that it would continue progressive, and almost indefinite. Connecting this rage for speculation with the employment of shipping, the house will be surprised to hear in what a degree the quantity of bulky articles from foreign countries, and from our possessions in North America, in the last year, exceeded the importations of former years. In the year 1822, the total importation of timber from foreign countries was 140,715 loads;—in 1825, it amounted to not less than 301,548. Of flax, in 1822, 607,143 cwt.; in 1825, 1,042,936 cwt. Of tallow, in 1822, 805,238 cwt.; in 1825, 1,164,029 cwt. Of wool, in 1822, 19,048,879 lbs.; in 1825, 43,700,553 lbs. Of linseed, in 1822, 1,411,137 bushels; in 1825, 2,876,571 bushels. From British America—of timber, in 1822, 345,741 loads; in 1825, 467,565 loads. Ashes, in 1822, 135,983 cwt.; in 1825, 210,781 cwt. Number of masts from all parts of the world, under 12 inches in diameter, in 1822, 14,484; in 1825, 19,016;—above 12 inches in diameter, in 1822, 4577 loads; in 1825, 8698 loads.—The result of all this overtrading of last year, of which I have selected only a few instances, is the depression which now prevails, the interruption of commercial credit, the great diminution of employment for manufacturing labour in this country, and the general derangement of business in the countries with which our principal interchange of commodities is carried on. I deplore this state of things, not the less, certainly, because it is not confined to this country; and in alluding to the sufferings of others, I do so, not as a source of consolation to ourselves, but as evidence, that this derangement is to be traced to some cause of more extensive effect than the municipal regulations of this country. It would be matter of surprise if, amidst this almost universal stagnation of demand, the shipping interest, which had fully participated in the extraordinary activity of the preceding period, should not partake of the languor by which it is now succeeded. In looking dispassionately at this or any other of the leading interests of this country, we must not draw our conclusion from extreme cases either way. We must also recollect that shipping, in common with every other mode of employing capital and industry, when it seeks a foreign market,



able to be affected by a competition with other countries, and by acts of foreign states, over which we can have no control. As far as exclusion is within our reach—in the coasting trade—in the fisheries—in the trade between this country and our foreign possessions—we want a strict monopoly to the British shipowner. It is our duty to maintain and enforce that monopoly, not for his special advantage, but for the public interest. It is further our duty to give him every legitimate countenance and protection in the trade of this country with other maritime countries; but if any branch of that trade is interfered with, either by new regulations in those countries, or by the cession of territories, once colonies, into independent states, however we may regret the circumstances, as affecting our ancient navigation system, it may not be in our power to reverse those circumstances. In such a state of things, our policy must be, retaining the important principles of that system as much as possible, to adapt it to the change in our situation, and to the altered relation in which we stand to the parties with which we have to deal. The first effect of such inevitable changes, either in navigation or trade, is, usually, more or less, to derange the interests, upon which they immediately bear; but the temporary difficulty is generally overcome by the speedy opening of fresh channels of employment, and soon merged in the increased enterprise which attracts capital and shipping to some other quarter. This was the case after the separation of the British colonies in North America; and I hope for a similar issue on the present occasion. We are all agreed that our commercial marine is the foundation of our naval power, and that the maintenance of that power is the paramount duty of those who administer the affairs of this country. In an inquiry like this, therefore, the most important question for the consideration of the house is, not the detail of each separate branch of trade in which our commercial marine was employed any particular year, but its aggregate amount at this time, compared with the aggregate amount at some antecedent period.—Now, Sir, I have already stated what that amount was at the breaking out of the last war in 1793, and what it is at the present time. The comparison, taken by itself, certainly affords no ground for despondency or alarm. But, in making this comparison, in reference to our military arm, we are also to bear in mind, that in 1793, both the military and commercial marine of France and Spain were much more numerous than they are at present. The navy of France, once so powerful, has dwindled almost to nothing; her merchant ships have nearly disappeared from the ocean. The navy of Spain is less numerous and less formidable than it was at the breaking out of the revolution, and her commercial shipping, though reviving since the peace, is probably, at this moment, not more than one-half of its amount in 1792. On the other hand, whether we look to the number of ships of war, to the means of manning those ships, to the general spirit which pervades every branch of the service, or to any other element of naval power, what a contrast between our situation at the close of the last war of the American war! Can we forget the period when the combined fleet of the house of Bourbon was master of the British channel—

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and of those who heap abuse upon the measures in question, or who excite clamour out of doors against the individual upon whom has devolved the task, however imperfectly executed, of submitting those measures, on the part of Government, for the approbation and sanction of parliament \*."—Mr. Huskisson concluded by moving for the returns mentioned in his speech.

Mr. Baring rose, not so much with the intention of following the rt. hon. gent.'s remarks, as of thanking him for the able manner in which he had developed his views, and for the general system he proposed to adopt with respect to our shipping. But though he concurred with the rt. hon. gent. in his general views, he had closely watched the measures proposed, for no man could at the first anticipate how they would operate. In the detail of figures which the rt. hon. gent. had given, and which would be printed for the use of members, there appeared a greater decrease in the foreign, as compared with the British shipping, than many persons had been led to expect; but, looking to the stagnation which prevailed, it was not possible to view with confidence any of the accounts heretofore made public on this point. As to the shipping trade with the north of Europe, it was so much affected by our corn laws, that in considering it those laws met us at every turn. The navies of the north of Europe were manned by fewer hands, who were fed on cheaper food, and paid at a lower rate of wages than ours,—circumstances which must continue as long as our corn laws remained. He hoped, therefore, that these facts would not be lost sight of in the consideration of those laws in the next session, and that they would operate to their final repeal.—With respect to our North American colonies, he thought that if we wished to keep them, we must give them the full benefit of their connexion with us, by opening their trade as much as possible in every direction. We had no other means of retaining them in our possession, than by making it their interest to continue with us. As to the West India colonies, the case was different. We knew that we might irritate and tease them without danger. Some of the islands, however, particularly Jamaica and Trinidad, were great depôts for the trade of South America; and if we wished to become the successful rivals of the French and Americans in that trade, we must, for the sake of our own interests, extend the benefits of free trade to our West India colonies.

Mr. Robertson contended, that the foreign shipping trading to this country had increased threefold within the last four years. This increase had been occasioned by the measures pursued by the rt. hon. gent., and besides giving this superiority to foreign shipping, these measures tended to destroy our warehousing system, and rendered this country daily less and less the emporium of foreign trade. These same measures would have the effect also of putting into the hands of the North Americans, the whole of the trade with South America, which ought to belong to our West India colonies. He did not blame the abandoning a great part of our navigation laws; but then the shipping of this country had as

much right to protection as any other trade. Let them be put on the same footing as other trades, and they would not complain. If the navies of France and America increased, while ours declined or continued stationary, let the house consider the situation we should be in, in a few years, and how much, in case of emergency, we should have to bring up of what we were now losing. The President of the Board of Trade had much to answer for on this subject. We were daily making innovations on the system of our commercial regulations, which were unsettling and keeping unsettled the general mind of society. He did not see how it would be possible for us to go on paying the national debt, if ministers were resolved to persevere in the system they had adopted. He had been informed on authority on which he could most confidently rely, that the woollens manufactured on the Continent of Europe were now driving ours out of the market; and indeed foreigners were making rapid advances towards successfully rivalling us in the manufacture of cottons; although as yet he believed they had not quite equalled us. Looking at the present situation of the manufacturing interests, and considering the great weight of taxation with which they along with the other branches of the community were burdened, he should like to know how it would be possible for them ever to surmount their present difficulties, if foreign manufactures were admitted into the country? How could they possibly enter into a successful competition with the manufacturers of France, where labour was so much cheaper and taxation so much lighter, unless they had some adequate protection afforded them sufficient to counterpoise the advantages which the French in other respects enjoyed over them?

Sir M. W. Ridley said, that documents had been furnished to him, which placed this matter in a very different light to that in which it had been represented by the right hon. gent. From these documents, which contained an account of the entrance of shipping into the port of London, it appeared that there was no foreign country with which we had carried on trade, which had not doubled its amount of shipping trading to this country within the last few years. And with regard to the imports and exports, it appeared that imports from Sweden, Norway, and Russia, had been increased during the same period very considerably, whilst our exports to those countries had undergone a very great decrease. It was impossible that we could expect our shipping interests to be sufficiently protected whilst they had to contend with the difficulties and disadvantages which at present oppressed them. The expense of ship-building abroad was about 7l. or 8l. per ton, whereas here it was from 16l. to 17l. A vessel from most foreign ports could be fitted out at one-half the expense it could be fitted out in England; and the wages of seamen abroad were only 20s. or indeed frequently only 12s. 6d. per month, whereas here they were 3l. 10s.—indeed they had been 4l. 10s. When this difference in prices was taken into consideration, and when it was also considered what numerous and heavy taxes were imposed here on every article connected with ship-building, it would readily be concluded, that under existing circumstances it would be impossible for us to compete with foreigners. He had just left a merchant who had been

\* Reprinted from Mr. Huskisson's "Speech on the Navigation Laws."—London: Hatchard, 1826.



negotiating the transfer of bills to the amount of 33,000*l.*, in payment of produce which he had shipped from Hamburg to Newfoundland; the whole of this produce was foreign, and the settlers were foreign; in short there was nothing in the whole transaction which had any thing to do with this country.—He trusted these considerations would induce the right hon. gent. to concur in measures which might have the effect of relieving the shipping interests from the duties to which they were now subject.

Mr. *Ellice* said, that all that it appeared to him to be in the power of the right hon. gent. to do was, to reduce every tax which affected our shipping interests; and by this, and this alone, they might be enabled to compete with foreigners. It was not possible that the present system of taxation could exist together with the principles of free trade. It was absolutely requisite that a stop should be put to our present mode of proceeding, which had alternately placed the country in a state of fever and ague ever since the peace; and he was sorry to say that he saw no symptoms of improvement in any part of our trade.

Captain *Gordon*, in alluding to the increased quantity of foreign shipping which had been in our ports since the passing of the reciprocity acts, took occasion to observe that he was not at all surprised at it. Foreign ships could be bought and navigated at a much less expense than our own, in consequence of our ship-builders having to send abroad for most of their materials, and also in consequence of their having to pay a greater sum for wages and provisions. Merchants, who had goods to freight, would naturally send them by those vessels which asked the least price; and as the foreigner could afford to convey at a less price than the British ship-owner, it was no wonder that of late years a greater quantity of foreign shipping had arrived in our ports. He had never doubted that this would be the effect of the system of reciprocity. Though he had no knowledge of political economy, he was inclined to believe that the increased amount of exports and imports was a proof of increased prosperity; and yet he could not conceal from himself a suspicion that the cause of that increased prosperity might some how or other turn out to be prejudicial to the shipping interests of this country. It had hitherto been the policy of this country to afford different kinds of protection to its different interests. Whether that policy had been right or wrong, he would not at that moment pretend to decide, but this he could say, that under the system of protections, every interest of the country had risen to a degree of unparalleled prosperity.

Mr. *T. Wilson* admitted that when the freights were high last year, we were enabled to compete with the foreigners; but now they had fallen, we were unequal to that competition. So long as the British ship-owner was obliged to pay 3*l.* 10*s.* per month, and the foreigner only paid 20*s.*, for seamen's wages,—so long as the former paid 6*d.* for a pound of beef, whilst the latter only paid 2*d.*, this result could not be avoided. If we gave reciprocity to foreign shipping, we must, in duty to ourselves, put a countervailing duty on every thing that was imported or exported in them.

Mr. *Rumbold* said, that there were certain duties affecting our shipping, which, though they were of small account when considered

separately, became of some importance when considered collectively. He held in his hand a statement of the charges which had been paid by a small vessel of 71 tons, on her voyage from London to Petersburg. The fees for pilotage were 10*l.*, and the other charges, including tonnage, &c., were 44*l.* 18*s.* Now this appeared to him to be enormous. He had frequently pressed upon the house the necessity of making some reduction in pilotage; and he should think that the rt. hon. gent. could have no objection to making some reduction in the case of the smaller vessels, on which it fell most heavily, in consequence of their making, in a general way, more than one voyage in the season.

Mr. *Hume* thought, that if the rt. hon. gent. would leave out of his calculations the increase of our shipping which had taken place last year, in consequence of the speculations which were then so prevalent, he would not find that there was any just ground for exultation in the existing state of it. The whole of the difficulties of our shipping interest resolved themselves into the increase of our taxation. In 1792, the amount of our ships were 16,000; in the present year it was 24,000. Here was an increase of 50 per cent.; but what did the house think was the increase of our taxation in that time? It was 400 per cent. He thought that the rt. hon. gent. had no right to take the increase of our shipping in any one year, as it was an unfair criterion, and was certain to lead to erroneous results. He ought rather to have taken the average increase during a given number of years; and if he had done so, he would have found that the increase was not so great as he had stated, and that our shipping interest was now in a worse situation than it had ever been in before.—He advised the rt. hon. gent. not to continue the tax upon certain articles used in ship-building, as cordage, timber, &c., which, though they might not be of much consequence, as the rt. hon. gent. said, taken separately, amounted to at least 10 per cent. on the value of every vessel. Now a tax of 10 per cent. on the hull of a vessel, was enough to make the builders direct the trade to any other country. In looking at the great increase which, according to the right hon. gent. had taken place in the number of ships built during the last year, the house would observe that the amount of tonnage, built in the plantations, amounted to 52,000 or 53,000, whereas the usual average had not formerly exceeded 11,000 or 12,000. This could not create the slightest surprise to any thinking man; for individuals would prefer to build ships in any other country, rather than in that in which they had to pay an extra sum of 10 per cent. He was convinced that unless our ship-owners could get provisions much cheaper than they got them at present—unless they could reduce the rate of wages which they paid to their sailors, a measure which might easily be effected by abolishing impressment, which naturally tended to increase the rate of wages—unless they could have the duties on policies taken off, and the fees on pilotage lessened, their present sufferings must continue, and our shipping interest be entirely ruined.—In conclusion, he regretted the outcry which had been raised against the principles on which the right hon. gent. had been recently acting. Nothing could be more unjust than such an out-



cry. The evils under which the shipping interest now laboured were not to be attributed to the change of system, but to the weight of taxation under which it laboured, and which alone prevented it from flourishing.

Mr. C. Grant :—The hon. gent. (Mr. Hume) had told the house that his right hon. friend had deceived himself in the view which he had taken of the shipping interest. To that observation he would merely reply, that the printing of the papers would best decide whether his right hon. friend or the hon. member were right in the view they had taken of the subject. The great object which his right hon. friend wished to accomplish by his statement of that night, was to prove to the nation that the complaints made out of doors were utterly unfounded, and that the measures which he had introduced had not had any effect in diminishing our commercial marine, but on the contrary had considerably increased it. If at the same time that our commercial marine had increased, our foreign commerce had also improved, it was an accession to our wealth, and formed no cause of complaint against his hon. friend. He admitted that the two last years ought, upon a general view of the question, to have been left out of the calculation of his right hon. friend, but the reason for introducing them into the statement of that night was, that the earliest reciprocity act was passed about two years ago. Much had been said in the course of the evening of the expenses to which British shipping was liable. Undoubtedly it was subject to greater charges than foreign shipping. But that was no new discovery; it had been the subject of remark more than a century ago. He did not state that fact to justify the continuance of the present charges, but merely to show that the difference of expense in fitting out the British and the foreign ship did not make the difference in their employment. The question of the charges to which British shipping was liable had been taken into consideration by the committee upon foreign trade. They examined several witnesses on the subject, and the result of their deliberations was, that though the freight in British vessels was dearer, there were circumstances connected with them, as their better building, navigation, seamanship, &c. which made the merchant give a preference to them. As a collateral support of the assertions of that committee, he would tell the house that in the United States, the chairman of a committee on navigation had observed, that though American navigation was dearer than ours, they were enabled to support it, because they were enabled to make three voyages where we only made two.

The motion was then agreed to.

### *Exportation of Machinery.*

FRIDAY, MAY 5.—Mr. Hume said he had two petitions to present, one from the master machine makers, and the other from the operative machine makers of Manchester, praying for the removal of the laws restricting the exportation of machinery. The masters' petition, signed by a number of most respectable persons, stated, that many of the workmen were out of employment, and almost starving, while they had orders from abroad for machi-

nery, by which, if they had been permitted to avail themselves, they could afford full employment to the workmen (hear, hear). There were foreigners at Manchester, who expressly stated, that on account of the prohibition, they were sending British workmen to France, to produce the articles which, had it not been for the prohibition, would, in all probability, have been manufactured in this country. He had intended to introduce a bill, to alter these laws; but the rt. hon. gent. (Mr. Huskisson) had great apprehensions of the jealousies of the manufacturers on the subject; and he (Mr. Hume) was now sorry that he had yielded to the rt. hon. gent.'s opinion, and refrained from bringing in his bill. He regretted this the more from the late proceedings of the operatives at Blackburn, and other places, who were blindly destroying the property upon which their best hopes of employment depended, and were thereby adding to their own miseries, both in point of intenseness and duration. If they had seen the evidence now on the table of the house, they would have known that, by destroying machinery, they were only heaping destruction on their own heads. If he had brought in his bill, the discussion upon it would have considerably enlightened those misguided people respecting their own interests.

Mr. Grenfell entirely coincided in the opinions of the hon. member, and agreed that the repeal of this law prohibiting the exportation of machinery, would be the means of providing a fund of employment for many of those who were in a state of great misery. He had particular means of knowledge on this point; and he knew that many machine manufacturers would employ a very great number of persons, if ignorance and prejudice did not prevent the exportation of these machines. The machines would, in point of fact, be smuggled into foreign countries, and if foreigners could not smuggle the machines, they would smuggle the artisans; and, in point of fact, foreigners were endeavouring to attract the artisans to foreign countries. So long ago as the American war, the Government of this country supposed that, by a prohibition of the exportation of copper bolts and nails, we should deprive the French of those articles which were necessary in the building of ships. But what was the consequence? The French established a manufactory of their own at Rouen, in Normandy, where they procured the assistance of British artisans and workmen, and from that time to this day that establishment had been a rival of our own (hear, hear).

The petitions were then ordered to be printed.

THURSDAY, MAY 11.—Mr. Hume rose to move "for leave to bring in a bill to repeal so much of 6 Geo. IV. c. 107, as relates to the exportation of tools and utensils." He contended that the necessity of allowing the exportation of machinery had been fully substantiated by the evidence before the committee on that subject. It was proved, that if the exportation were permitted, this country would find a market for machinery throughout a large portion of the world. By adopting a contrary system, they compelled other states to manufacture machinery for themselves, instead of having recourse to Great Britain.—His present object was to give employment, as far as possible, to a numerous class of workmen—an ob-



ject, in his opinion, of great importance, when it was considered that one portion of our population was in a state approaching to starvation. The law prevented many persons from being employed in the formation of machines at the present moment, while the masters admitted that they could procure foreign orders to almost any amount, if they dared to take them. He had some time since called on the rt. hon. gent. (Mr. Huskisson) to bring in a bill to repeal the laws against exporting machinery; but at that time, the rt. hon. gent. was not aware of the situation to which the manufacturing classes were on the point of being reduced, neither was he (Mr. Hume); for, if he had, he certainly would have made every exertion to have the law repealed.

Mr. Huskisson said, that he feared there was a number of ingenious artisans out of employ; but, in setting on foot a measure of this kind or their relief, the house should first know how far it was likely to affect the interests of those by whom they were ordinarily employed. He would not oppose the motion for leave to bring in the bill; but, before it proceeded further, it would be necessary that the fact of such a measure having been introduced, should be known throughout the country, in order that they might be put in possession of the feelings of those who were most interested in its provisions. If, on that examination, it should appear that any of the great interests to which he had alluded were opposed to the measure, he should feel it to be his duty to withhold his assent.

Mr. Birch deprecated the introduction of any such measure at the present moment, because it must necessarily produce a most unpleasant feeling in the country. It would be much better to wait until the next session of parliament.—As to the committee, to whom the mover had alluded, the whole of the evidence given before it was *ex parte*.

Mr. Littleton said, whatever opinion might be entertained of the merits of this question, every one must see that the present moment was most unfavourable for agitating it. The inquiry which this subject had undergone was the most defective that could be imagined. There had been no petitions on the subject from the machine-makers of Lancashire, none from Glasgow, none from Birmingham, or from several other places in which this manufacture was carried on. The house had not heard the opinions of Bolton and Watt, and other eminent scientific men engaged in the trade; but from the information which had reached him on the subject, he was led to believe that the opinions of those gentlemen were not favourable to an unlimited exportation of machinery. A petition was last year presented from Nottingham, full of information on this subject, and to that petition he should wish to refer the hon. member. He would admit, that in time copies of our machines would find their way into foreign countries; but all those hitherto sent there were imperfect, and to repair them workmen were required from this country. It would take a long time to have such machines equal to our's, unless there was allowed a general export of machinery; and if that were once to take place, he believed it would be found that a great portion of our industry and capital would follow.

Mr. Phillips said, that if we had no means of

employing the manufacturers of machines at home, it would be but common justice to allow them to manufacture for foreign countries. The export of machinery would have the effect not only of giving employment to many of the manufacturers, but would also enable many persons in the trade, who had machines unemployed, to dispose of them to advantage to other countries. With respect to the question before the house, he thought that on the principle of free trade, which was carried into so many other branches of our commerce, the export of machinery would not have an injurious tendency; but under all the circumstances of the present time, he thought that it would be better to refer the whole subject to a committee next session.

Mr. Peel thought that a dispassionate consideration of the subject could not be expected at the present period. The hon. member had wished for the opinions of practical men on this subject; but he would ask whether it would be proper (supposing that time allowed) to withdraw practical men from other and more important business at this period? He thought he would best promote the object in view, by requesting him to postpone it for the present session.

Mr. Hume said, that he had brought forward the motion in consequence of the petitions which had been presented to the house from the manufacturers of machines, complaining of being out of employment, and praying for relief. He hoped that the principle which he advocated would at last be adopted, but as hon. members thought the discussion would only increase irritation in the minds of the manufacturers, he would, with the leave of the house, withdraw his motion (hear, hear). But he gave a general notice, that if he should have the honour of a seat in the next parliament, he would introduce the question early in the next session.

The motion was then withdrawn.

### *Law of Patents.*

WEDNESDAY, MARCH 22.—Lord Palmerston presented a petition from Charles Broderip, Esq., complaining that the laws relating to patents did not afford sufficient protection to the persons to whose ingenuity the public was indebted for many inventions of great importance and utility; and praying that the same principle which ensured to authors the copyrights of their works for more lengthened periods, might be applied to patents.

The Attorney-General allowed that it was the duty of the house, as far as was consistent with policy and sound reason, to afford every protection and facility of operation to those who devoted their time, their fortune, and their talents, to improvements which were likely to become useful to their country and mankind. He did not, however, agree that all the complaints of the petition, in the present instance, could be borne out by the facts, or that patentees laboured under any peculiar disadvantages, when compared with the possessors of copyrights. One ground of complaint, that relating to the provision against more than six persons being the holders of a patent, had arisen out of the provisions of the bubble act, and, since the house had thought fit to repeal that law, it seemed reasonable that the restriction should now be taken off. The second ground of com-



plaint—that patentees had not a sufficient protection or reward from the term of 14 years, to which the exclusive right extended; that they were not in so good a situation as the holders of copyrights; and that other countries, particularly France, had adopted a better and more equitable system with regard to patentees—seemed to him not supported by the facts. He had looked into the state of the law with regard to patents in France, and found that patents were granted for five, ten, and fifteen, but never longer than for fifteen years. Now as the patentee in this country held his exclusive right for fourteen years, it could not be said there was any great difference upon that point. It might happen, as it often did, that the intricate and expensive nature of the machinery required to bring the invention into practice would not allow the patentee to reap a fair reward from his labours in fourteen years. In some such instances the house had passed bills for extending the duration of the patent. In a great variety of instances, however, the period allowed by law was quite sufficient; but the difficulty might be obviated by leaving in the discretion of the Crown a power to extend the term, if circumstances should appear to require it. As to the next point, the expense of obtaining a patent, he allowed that it was matter of proper consideration how far all unnecessary expenses, connected with new inventions, should be so reduced as to form no impediment to the obtaining that reward of protection which they merited; but it was a mistake to suppose that the expense attendant upon taking out a patent was so much more in this country than in others. In France it was 1500 francs, or about 70*l.* English, and here it was about 100*l.* The petitioner complained that copyrights were in a better condition than patents. In copyrights, it should be recollected that the protection was granted to the individual work, and not to the ideas, inventions, or principles contained in it; but in patents there was a protection for eight years, during which the patentee was not called upon to give such a particular description of his invention as would enable other persons to avail themselves of it for the purpose of imitation. But it was totally different with respect to copyrights, where any man might pirate the whole or part of a work the very day after it issued from the press, and that too with very little difficulty or danger of detection; whereas, if he violated the substance of a patent in any particular, he would be immediately liable at law. The assertion, therefore, that patentees were not placed on as favourable grounds as authors, seemed to him totally unfounded.—He agreed that the subject was of great importance, and deserved the most earnest consideration of the house.

Mr. *Maberly* could not agree that the protection ought to be held inviolable in every instance to the extent which the patentees considered likely to remunerate them. He believed that, in many cases, patents had a most pernicious effect upon the trade and enterprise of the country, and that improvement had been cramped or wholly stayed by the consequences of exclusive privileges being granted for so long a period. If the cases were submitted to a committee, he was convinced he should be able to shew that the time of the duration of some patents was longer than necessary for any beneficial purpose.

The petition was then ordered to be printed.

### *Joint-Stock Companies.*

WEDNESDAY, FEB. 15.—Mr. *Hobhouse* said, that towards the close of the last session, the learned gent. (the Attorney-General) introduced a bill, which was subsequently passed, for the purpose of repealing the Bubble Act. At that time it was intimated, that a measure would be introduced by a learned lord (Chancellor) in the other house, which would strike at the root of fraudulent companies. He (Mr. *Hobhouse*) now wished to ask whether it was in the contemplation of ministers to introduce any such measure in the present session? There was a very uneasy sensation in the public mind on the subject of the fraudulent transactions of the last year in general, and fears were entertained that similar attempts might be made in future. He, therefore, was anxious to know whether any measure would be introduced, by which, if the public did not receive indemnity for the past, they might at least have security for the future.

The Attorney-General was not aware that any such measure as that alluded to by the hon. member was in contemplation, nor did he think it was at all necessary. As the law now stood, it was sufficient to reach any fraudulent attempts by any number of persons forming themselves into illegal companies. If the fact of any fraudulent attempts could be proved against individuals, the law, as it stood, was sufficient to reach and punish them, without the aid of any new enactment.

### *Mexican Mining Company.*

TUESDAY, FEB. 21.—Mr. *Hobhouse* rose to present a petition on a subject to which he had frequently adverted, and to which, notwithstanding all that had been said, he could not help attributing a great portion of the present distress—he meant the joint-stock companies. The loss occasioned by the great extent to which those ruinous speculations were carried, if the highest rate of premium and the lowest rate of discount were considered, would fall little short of 14,000,000*l.* Some, he believed by far the greater part of these speculations, were a total loss to the subscribers; and on those few which were carried into operation, he believed that very little profits had been shared. One great evil of those speculations was the injury they had done to the hitherto untarnished character of the English merchant. Some of the wildest of the schemes were ushered into the world with the names of the most respectable merchants and traders of London at their head; and he was assured by a gentleman well acquainted with these matters, that one cause of the present difficulty of obtaining credit in the city, was that so many were engaged in these schemes that persons knew not whom to trust. As this subject was likely to come before the house in a short time, the matter having now been taken up by the corporation of the city of London, from which he understood a petition would in a few days be presented, praying for inquiry into the late speculations, he would now briefly state the object of the petition before them. It was from Mr. *Bernard Ross*, and complained of the conduct of the directors of the Mexican Mining Company. The petitioner had purchased shares in that company, but on coming



to sign the deed of settlement, he found that it contained clauses which were extremely objectionable, and which he therefore refused to adopt by signing the deed. In consequence of this, the directors decreed that he was no longer a shareholder. The clause to which the petitioner objected was one by which the directors were to be indemnified against any legal proceedings. This he (Mr. Hobhouse) thought was a course not warranted by law, for the directors had acted illegally in the sale of shares: and it was well known that persons who were not original shareholders, but had become purchasers, had no remedy for a recovery of their money in a court of law. The petitioner stated, that each of the directors had appropriated to himself 200 shares, and that the whole number divided between directors, solicitors, and others connected with the company was 3800. So that the purchasers to that number (and it was said that most of these were sold) would be deprived of a remedy in a court of law, not being original shareholders. The premium at which the shares were sold was said to be 15*l.* per share, so that the whole sum realized by those shares would amount to 57,000*l.* This statement, it was but fair to say, was denied by the gentlemen against whom the petitioner complained, and who stated, that the whole of the allegations were greatly exaggerated. The whole amount of money received for shares by each director did not exceed from 1500*l.* to 1700*l.*; but even admitting this to be correct, the sale of these shares was not a *bona fide* transaction, and it was greatly to be regretted that respectable individuals should have lent themselves to such transactions. The prayer of the petition was, that a committee might be appointed to inquire into the formation of joint-stock companies generally, and into that of the Mexican Company in particular. He hoped that the house would institute some inquiry as to who were the authors of many of those ruinous schemes. He begged to call the attention of the house to the course which had been adopted in parliament after the blowing up of the South Sea bubble. A noble lord, then on the opposition side of the house, objected to any address in answer to the speech from the Throne going up, unless it contained some pledge on the part of the house that they would inquire, and punish those who were concerned in that scheme; and an amendment to that effect was moved and carried. Certainly there was this difference between the case of the South Sea bubble and the late speculations—that the former was directly encouraged by the ministers of that day. But though that was not the case with respect to the late joint-stock companies, still it was not less the duty of that house to inquire as to who were their authors. The petition was then ordered to lie on the table.

### *Welch Mining Company Bill.*

WEDNESDAY, MARCH 22.—Mr. P. Moore brought up the report on this bill. On the motion that the report be received,

Mr. Littleton rose for the purpose of objecting to the report of this bill, which, by giving to the officers of the company the power of suing and being sued, would invest them with all the privileges of a corporation. Now, as he

did not conceive that the house meant to give any sanction or approbation to the companies which had been applying in this manner for acts of Parliament, he thought the present a very fit opportunity to check such applications in future. He drew a very great distinction between companies formed to do what nothing but great companies could do—such as working the mines containing precious minerals in other countries, and various other undertakings, which required the hazard of immense capital, without the fear of great individual loss—and those companies which were created for undertakings of a mere ordinary description, and which were likely to prove ruinously injurious by competition with meritorious individuals, whose properties were invested in those branches of trade to which the companies proposed to apply their joint-stock capital and powers. Some of his constituents fearing such consequences from this company, and feeling they could prove it was not likely to be productive of any of the advantages, either to particular districts, or to the country at large, which it promised, had incurred a very serious expence last session in opposing the bill in the committee: and he, finding that the hon. member who was now endeavouring to carry it through the house, and who had chiefly interested himself in its success, was never, on any occasion, present at that committee, and that there was no probability of the bill being brought in that session, came down to the house and moved, “That the order for the committee be discharged,” and it was discharged accordingly. Seeing no better reasons for the bill this year, than he had been able to discover last year, he would now move “That the amendments be read this day six months.”

Mr. P. Moore hoped to be able so to convince the hon. member of the propriety and importance of the bill as to induce him to withdraw his opposition. The company had purchased mines at a cost of 100,000*l.*; they had expended 100,000*l.* more in machinery and preparations for working them; and they would, probably, lay out 2 or 300,000*l.* more in the progress of their operations; they had incurred debts, and they had debtors; and it was for the purpose of legalizing their actions, so as to protect the property they had invested already, as well as to secure the public in all their future contracts, that they now applied for leave to sue and to be sued. In the present state of the law, no man could recover any sum, however small, from the company, without filing a bill in Chancery, containing the names of all the directors, officers, and proprietors; and if any one of them should happen to die before a decision was pronounced, the whole of the proceedings must be commenced anew, with the same formalities. The bill, therefore, was not more a security to the proprietors than an accommodation to the public; and as there had not been a more respectable body of men associated together for half a century, he trusted the hon. member would withdraw his opposition.

Colonel Wood:—The only thing the Welch had to complain of was, that there was too much iron in Wales already (laughter, and hear, hear), and too much competition amongst the iron masters, without the addition of this company.

Colonel Davies said, that the two hon. members alleged no public grounds for their opposition; they did not say that it was likely to



prove delusive, but they only alleged that it would be opposed to the interests of the ironmasters with whom they were connected, in that part of the country where the bill would be carried into operation. He could not understand why, if such a company were to exist, the public was to be deprived of the power which it was now proposed to give them in all legal proceedings, since it was clear that if they had not that power they would be wholly without any adequate remedy.

Mr. S. Wortley said his objection to this bill was, that it gave the sanction of parliament to a company only for the purpose of enabling them to come into the market upon better terms than any other persons.

Mr. Colcraft opposed the bill because he conceived it to be a scheme to raise the value of the company's shares. He stood up to defend those persons who traded on their individual capital against the efforts of a combination.

Mr. Baring said, that it became the house to be more consistent in their legislation on these subjects. They ought to decide upon a general principle, and not with reference to the merits of particular companies.

The Chancellor of the Exchequer was reluctant to take a part in the discussion; but he thought that before the company came to that house to claim the advantage which would be conferred by the present bill, they ought in the first instance to have applied for a limited charter to the King in council, by whom the character of the company might be fully inquired into. It was impossible that the house could undertake to decide upon the fact stated in the preamble of the bill—namely, that the company would prove beneficial.

Lord A. Hamilton said, that joint-stock companies came to that house to obtain bills, in order to gain a character out of doors, and to enable them to sell their shares to advantage.

Mr. Huskisson said, that towards the close of last year, parliament made an alteration in the act of George I., the effect of which was to enable the Crown to grant limited charters to joint-stock companies. A great number of applications were, in consequence, made to the King in council for charters. Whilst those applications were under consideration, many of them were withdrawn, and he believed that the parties who had withdrawn them were now very glad that they had not been put to the expense of procuring a charter. One of the applications made to the Privy Council for a charter was by a company for working mines and minerals in Scotland, and the application was backed by the recommendation of the first people in Scotland. He was one of those who did not think it proper to advise the Crown to grant any privilege to a company which, by the general description of their object, might work any thing from a slate-quarry to a gold mine. The application of the Scotch company was therefore rejected; and he thought that the house would do well to be very jealous of entertaining any schemes which would interfere with the ordinary mode of carrying on commerce, manufactures, and mining. At all events, the company in question ought to apply in the first instance to the Privy Council, where their affairs could be more accurately examined than in that house.—He would take this opportunity of expressing a wish that some person more conversant with legal matters than himself—would consider the

present state of the law respecting partnerships in all its bearings. The defects of the present system, as exhibited by various cases which had lately occurred, were such as could hardly be conceived. If a partner was absent, the firm could not be sued till the plaintiff obtained an outlawry against the absentee. When the outlawry was obtained, another partner might abscond, which would render it necessary for the plaintiff to go through the same process again. Then, if there was the slightest error in the names of the persons composing the firm, the defendants would put in a plea of abatement. The unfortunate plaintiff was then placed in this situation—if the plea of abatement was allowed, there was an end of the action, and he could not get rid of the plea except by dropping the action and beginning *de novo*. If the plaintiff brought a new action, he might then be told that another person whom he had never heard of before was one of the firm, and he had no means of disproving the fact, because he could not examine the defendants as witnesses. These were some of the evils resulting from the present state of the law. Perhaps they might in some degree be remedied by compelling all partners to register their names, and by providing, that where the firm consisted of more than a certain number of persons, one partner might be sued for the whole.

The amendment was then carried, without a division. The bill was, therefore, lost.

### Liverpool and Manchester Rail-road Bill.

THURSDAY, APRIL 6.—General Gascoyne moved the third reading of this bill. Though he had been a member of that house for many years, he had rarely found it necessary to make any observation on a local measure of this nature; but as he saw an unusual number of those who objected to this bill, he felt it to be his duty to offer a few remarks in support of it. His constituents were decidedly in favour of the measure; as was evident from the number of petitions which had been presented, showing the benefit that would be derived from it. It was true, that last session a similar measure had been defeated; but even then the justice of its principle had been admitted, and since that time those who most strenuously objected to the formation of the road, had given up their opposition. The trade between Liverpool and Manchester had increased very much of late years; and therefore this new communication between the two places became necessary. It was said, that individuals who had property on the intended line of road would be injured. This, however, was an argument that would militate against every species of improvement. The population on the thirty-one miles which intervened between Liverpool and Manchester was nearer in amount to 1,000,000 than 800,000 persons; and, therefore, it was impossible that some inconvenience must not be suffered. This was a measure that did not originate in the spirit of speculation. Local circumstances, and the plain necessity for having an additional accommodation for the transit of goods between the two towns, had given rise to it. The plan would be extremely beneficial to Ireland; for he considered the adoption of every project which rendered the communication between the



two counties more rapid and easy, as a point gained for Ireland.

Mr. Peel seconded the motion. It was ascertained, that, from the year 1760, the commerce of Liverpool had doubled itself every twenty years, and the cotton trade every ten years. Now, if this were so, could any man seriously argue, that the present means of communication between the two places were sufficient? The fact was, that those who opposed the bill were chiefly the canal proprietors.

Mr. Stanley expressed himself decidedly hostile to the measure. The present means for the conveyance of goods were amply sufficient. This bill was originally brought forward with the most extravagant pretensions. First, it was said, that goods were to be conveyed at the rate of twelve miles an hour, and afterwards the rate of ten miles an hour was spoken of. Now, however, it appeared, that instead of doing the thirty miles in three hours, at the rate of ten miles an hour, the journey was to be performed in ten hours, at the rate of three miles an hour. The conveyance, too, was not to be effected by steam, but by what had been called the old exploded system of horse-labour. The Mersey and Irwell canal, the Bridgewater canal, and the Branch canal, would be more or less affected by this plan. Those who supported the measure argued that each horse would be able to proceed with a given load, at the rate of three miles an hour; but no allowance was made for stoppages. Now, it was a well-known fact, that on the Darlington rail-road, the stoppages consumed the fourth or fifth part of the time employed, and thirteen persons were engaged, in eleven miles, to clear the road. By the canal, the conveyance between Liverpool and Manchester occupied twelve hours. He knew that some gentlemen had stated that it occupied eighteen, and even twenty-four hours; but it was in evidence that it could be performed in twelve. From the time the goods were put on board the canal boat, until they arrived at the place of delivery, all stoppages included, would occupy twelve hours; while, if they were conveyed by the rail-road, the time required, without mentioning stoppages, was 10½ hours. Where, then, was the advantage in point of celerity?—He would next call the attention of the house to the rate of freight. It was proposed by this bill to charge 9s. 6d. per ton for the rail-road conveyance. The charge on the canal was 10s. 5½d. per ton, but in that was included a charge of 1s. 5½d. for warehouse, portage, and cartage; for not one article of which had the rail-road company provided. If this charge were, however, deducted from the rate of freight on the canal, it would then be 9s. per ton, while the rate on the rail-road would be 9s. 6d. The ordinary rate of tonnage on the canal was 3s. 4d.; for coals, 1s. 6d.; and manure was carried free. The tonnage on the rail-road would be—cotton, 7s. 9d.; timber and grain, 6s. 6d.; stones and bricks, 5s. 2d. These were the respective charges, instead of 3s. 4d. The tonnage on coal carried by the rail-road would be 3s. 10d., instead of 1s. 6d.; and manure, 3s. 10d., instead of being carried free. It had been stated before the committee by a coal-broker of Liverpool, that, in consequence of the insufficiency of the communication by the canal, he had been unable to perform a contract into which he had entered for 1000 tons of

coal. This individual had shown clearly enough that he had not performed his contract; but it was no less clearly shown that the fault did not rest with the canal. The house, he contended, were bound to interfere and prevent this mad and extravagant speculation from being carried into effect. Many had already suffered by it. When it was first projected, the shares were at 40 per cent. premium; but since the publication of the evidence, they had fallen to 1 per cent. discount. The opinion expressed by two engineers as to the expense which would be incurred in carrying this project into effect, was very different. Mr. Rennie, the son of a very distinguished individual, had stated, that the hill near Liverpool, the elevation of which was one in 49, would require 1-15th additional horse power; but Mr. Palmer said, that, instead of 1-15th, the additional horse power required would be as 57 to 10. The sum which would be required to purchase the land, and to carry the measure completely into effect, would be 500,000l., without making any charge for carrying the bill through parliament; which was a sum greatly beyond Mr. Rennie's estimate. In order to pay even moderately, it would be necessary that 313,000 tons of goods should be conveyed by the rail-road in the course of the year, or 857 tons a day; 430 tons must be moving simultaneously in one direction, and 430 in another, or else the shareholders would not receive 1s. interest. The hon. gent. contended, from a reference to the goods carried by the canal, that it was impossible such a quantity as he had mentioned would ever be conveyed by the rail-road. Gentlemen might say, "Oh, let us have the rail-road by all means, and the canal also. Let each take its chance for success." In answer to this, he would say, that if, should the experiment fail, they could undo all the mischief which must be perpetrated in making the trial, he would not object to it. But if they could not undo that mischief, then it was the duty of parliament to proceed cautiously. He concluded by moving "That the bill be read a third time that day six months."

Sir I. Coffin had been acquainted with the town of Liverpool for forty-four years, and he was convinced that it did not stand in need of this projected rail-road. He complained of the manner in which those who had the management of the concern had proceeded. In one instance, they had invaded the premises of a widow without her consent, and they would do much mischief to the property of gentlemen.

Mr. Huskisson:—His gallant friend (Sir I. Coffin) had told them that this measure went to invade private property. But this must always be the case whenever an improvement was contemplated, whether it was the formation of a highway or the excavation of a canal. His gallant friend had stated that he had known Liverpool for forty-four years. Now, he would ask his gallant friend whether, during that long period, the towns of Liverpool and Manchester had remained stationary? If they had, as was the fact, increased in size and importance, that circumstance formed a *prima facie* case in favour of this measure. The argument that this rail-road would charge more to the public than was charged by the canal, was one which he could not understand: if it did charge more, the only effect would be, that the public would not go by it. But the only ground



upon which he supported the bill was, that the rail-road would be likely to charge a great deal less than was charged by the canal. It was an especial condition that the profits upon the undertaking should be limited to 10 per cent.; would the canals limit their profit to this extent—taking, as they were now doing, more than 100? His main reason for assisting this project of the rail-road, was to break up the overgrown monopoly which was now enjoyed by the canals.

The house then divided, when the numbers were—For the bill, 88—Against it, 41—Majority, 47.—The bill was then read a third time, and passed.

### Mr. Brogden.

FRIDAY, FEB. 3.—The usual sessional committees, of grievances, privileges, &c., and the hours for regulating their attendance having been appointed,

Mr. Brogden, on his name being re-proposed, as chairman of the committees of the house, rose, and spoke to the following effect:—"I cannot consent to accept the situation to which I have been just nominated, without calling the attention of the house to charges the most unjustifiable, which have been preferred against me and another hon. member of this house (Mr. Bent). The most erroneous and cruel misrepresentations have been circulated throughout the newspapers, and no pains spared to implicate us in the misconduct of others. It is impossible to characterize the injustice which has been done me by misrepresentation, and no words can express what I feel and suffer under the infliction of that injustice. It is said that the consciousness of innocence should induce a person to waive any unpleasantness of feeling under an unjust charge. I confess I am unable to adopt that sentiment; for I own I have suffered much. From the charges which have been preferred against me in my capacity of director of a company (the Arigna Mining Company), I have been cleared, at a meeting of one hundred and fifty gentlemen, proprietors of the company, at the London Tavern. Amongst many hon. gents. present on that occasion, was a brother of the late Mr. Ricardo. At the investigation that took place on that occasion, Mr. Bent and myself were completely exempted from the charge of any implication in the guilty transactions which have taken place. A committee of inquiry into these transactions is now sitting, and, although the guilt has been committed so long back as July, it has not been, as yet, come at or detected. From that committee I have received a letter, which contains not only an absolute acquittal of myself and the other hon. member, but which thanks us for our continuance in the directorship, and admits that great benefits have accrued to the interests of the Company.—The money which I received, I received under the conscientious impression that it was a due profit arising from my shares, and believed that it must necessarily have come from that source. The case, however, will yet come before the public in the way of the fullest and most satisfactory inquiry—and although I have been injured myself, I will not say any thing that may prejudice or prejudice the cause of another party. My interests are not great. But whatever con-

fidence or share of the good opinion of the house my past conduct may deserve, I hope I shall not have forfeited on account of the unjust aspersions which have been lately levelled against me (hear, hear). I court inquiry the most public and the fullest. If it were permitted, I should be glad that a committee of this house were appointed to examine into my conduct. Although I have not condescended to notice these unjust aspersions when they were circulated in newspapers only, I cannot and ought not to abstain from noticing them here. The effect and result of the inquiry before any competent tribunal, I am satisfied will be an acquittal of my whole conduct in every upright, honourable, and intelligent mind" (hear, hear).

### KING AND ROYAL FAMILY.

#### Buckingham House;—Windsor Castle.

MONDAY, MARCH 13.—In the committee of supply on the motion that a sum of 38,000*l.* be granted for the expense of works and repairs upon buildings,

Mr. Hume wished to know from what source the expense of the alterations now going on at Buckingham-house was to be paid.

Mr. Herries said that the charges were to be defrayed, as the house was aware, from the surplus revenue of the woods and forests.

Mr. Hume wished to know what the probable amount of the whole expense would be?

Mr. Herries was not prepared immediately to state the amount, but the question had been discussed generally in the last session.

Mr. Hume said, that the surplus of the woods and forests was part of the public revenue—just as much as the customs or excise; and no part of the public revenue ought to be disposed of without an estimate laid before parliament. With reference to the bill of the last session, he certainly had understood that the house was to be called upon to vote the money required for these alterations from year to year. Would there be any objection to the furnishing an estimate of all the further expense which the country was likely to be put to on account of Buckingham-house and Windsor?

Sir C. Long said, that such an estimate could be given if the hon. member thought fit to move for it.

Mr. Ellice thought that the house and the country would be much better informed of what was going on, if the surplus revenue of the woods and forests was regularly brought to account, and the money for these works regularly voted.

Mr. Huskisson said that, according to the existing act of parliament, triennial accounts of expenditure must be rendered. As he took it, the whole matter had been fully explained in the discussions of last session. The expense of each year was not to go beyond the year's surplus on the revenue of the woods and forests.

On the vote of 70,000*l.* for repairs and works at Windsor Castle,

Mr. Hume again urged the necessity of furnishing parliament with proper estimates of the charges incurred, and the money wanted to complete the works.

The Chancellor of the Exchequer admitted that the expense had exceeded the estimate con-



Mr. Baring could assure the hon. gent. that he had totally mistaken his motives in moving for an increase of salary to the rt. hon. the President of the Board of Trade. He certainly had voted for that increase from a conviction that it was called for, and in giving his support to the present measure, his opinion as to its justice and expediency was unaltered (hear, hear). He would go even further, and state that there never was a vote more justly called for. With respect to the allusion which had been made to the company of which he had become a member, he begged leave to offer some explanation. The silk company was established last year with a view of benefiting Ireland, and with that view he had lent his name to the concern; but with respect to any profits which he might be supposed to derive from the speculation, he could assure the hon. gent. and the house that he had only contributed 200*l.* towards the concern, and that his expectations consequently could not have been very highly excited (hear, hear). He had never in his life spoken a word on the subject of the company to the rt. hon. gent. (Mr. Huskisson), and he could not but express his surprise that the hon. gent. (Mr. Robertson) should have thought fit to advance so unwarrantable a statement.

Mr. Peel said, that if the charges brought forward by the hon. member (Mr. Robertson) were confined within the walls of the house, he would not have thought it necessary to notice them, and, in the name of his rt. hon. friend, to repel them, as he now did (hear, hear). His rt. hon. friend had lent his name to the Silk company nominally, because he thought that by so doing he might forward the concern; but if the whole wealth of India could have been gained by lending himself to any company, his rt. hon. friend would spurn the offer (hear, hear). And when it was farther imputed that the prospect of gain had influenced an hon. gent. (Mr. Baring) whose name had been connected with his rt. hon. friend, the smile which marked the countenances of those who heard the imputation, was, perhaps, the best refutation which it could have met with. He (Mr. Peel) wondered that the hon. gent. who had uttered those charges, did not feel ashamed of the part which he acted. He was almost ashamed himself to notice the circumstance. He hoped that the house would agree in the present motion, and that there would be no want of unanimity in passing a vote which was founded in justice. He could not see why the offices should be connected, and he thought that their respective duties would be best performed by placing them in separate hands. The only question which the house was called on to decide was, whether 5000*l.* a year was adequate to remunerate the services of the President of the Board of Trade. He did not think it right to blend any other question with that simple proposition. The offices should be distinct, and an adequate salary ought to be attached to each. As to the situation of Navy Treasurer, the sum necessary for that office, and the measures to be adopted for its future regulation, could be discussed on another occasion. This much he would say, that considerable reductions were made in that department, and the general question involving the necessity of the office was still open to be discussed by the house.

Mr. Maberly entirely concurred in the view  
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taken of the question before the house by the rt. hon. gent. who had just sat down. He could not conceive why the situation of President of the Board of Trade should not be equally remunerated with the Secretary for the Foreign and Home Departments. The labours were at least equal to either of those appointments.

Mr. Calcraft repeated, that he would certainly oppose the present vote, unless he received some pledge that the Treasurership of the Navy would be modified, and the business done, as it might be, by the Paymaster.

Mr. Lockhart wished to know if the new arrangement would necessarily vacate the rt. hon. gent.'s seat in that house?

The Chancellor of the Exchequer replied, that the present resolution merely empowered the Crown to give a fixed salary to a certain office, and any regulation respecting the seat could be considered upon the bill which should follow the resolution, if carried. He defended the importance of the duties of the Treasurer of the Navy, and said they could not be conigned to the Paymaster, without elevating the latter into a higher scale of official importance than he at present filled.

Mr. T. Wilson considered that the present was not the time for taxing the country for an increase of official salary.

Mr. Hume moved as an amendment, that 5000*l.* a year be the salary of the President of the Board of Trade, but with this accompanying qualification,—that it be expedient to inquire whether any of the existing offices could be abolished to save and make up the above amount of salary. He could point out many offices from which the saving might be made.

Mr. R. Smith proposed to limit the amendment to the office of Treasurer of the Navy.

Mr. Ellice hoped his hon. friend would withdraw his amendment, or allow the inquiry to be limited as proposed. It would then be "that the sum of 5000*l.* a year be given as the salary of the President of the Board of Trade, but that inquiry should be made whether the office of Treasurer of the Navy could not be modified or abolished."

Mr. Hume would not withdraw his amendment until the house pronounced an opinion on the original motion.

The Chancellor of the Exchequer thought that the question before the committee had no connexion with that of any other office. However, he would not object to postponing the farther consideration of this subject till to-morrow.

After a few words from Mr. R. Smith, the Chairman reported progress, and obtained leave to sit again to-morrow.

FRIDAY, APRIL 7.—The Chancellor of the Exchequer moved that the house should resolve itself into a committee on the Civil List act (22 Geo. 3, cap. 82).

Mr. Hume thought, before the house resolved itself into a committee, the rt. hon. gent. ought to explain whether he intended to make any addition to the burdens of the people on account of the proposed augmentation of salary. The greatest spendthrift, when he was about to set up a new carriage, calculated whether he had money to pay for it (a laugh). If he was dishonest, he went on without making any provision.

The Chancellor of the Exchequer said, that he intended to give the explanation which the hon.



member required in the committee, where he thought it could be more conveniently made (cries of "committee").

Mr. Hume said, that if it was considered the most convenient course, he would not oppose the house going into the committee.

The house then resolved itself into a committee of the whole house, and

The *Chancellor of the Exchequer* said, that if he could persuade himself that the office of Treasurer of the Navy was a sinecure, he would readily consent to its abolition, and provide for the increased salary of the President of the Board of Trade out of the saving thus made. But it would be unreasonable to do so, unless it could be shown that the office was unnecessary, or was overpaid. As far as the present salary might be considered over payment for the duties of that office, disconnected from any other, he was disposed to reduce it. As to the duties of the office, he had held it, and he could assure the committee that it was very far from a sinecure, and it would be impossible to transfer its duties to the Bank, as some had preposterously supposed, without injury to the public service. The business of the Treasurer was not merely the acceptance of bills drawn upon him by the commissioners of the navy. It was also his duty to see that the money was paid to the parties who had a right to receive it. He had also to attend to seamen's wills, which was in itself no inconsiderable source of employment. Until within a few years back, the law was very defective as to seamen's wills, and frauds to a great extent had been committed on individuals and on the public, by the facility with which money was obtained under fictitious wills. By the regulations which had now been established, the Treasurer of the Navy was personally responsible for any sums of the public money thus paid to individuals to whom they were not legally due. If then the duties and responsibility of the Treasurer were thrown upon the Paymaster, who had only 1000*l.* a year, he did not think that those duties would be efficiently performed. He did not mean to assert that those duties were such as occasioned great bodily labour or mental anxiety, but still the responsibility was great. On his entering the office, he found several gentlemen in whom he was obliged to repose confidence, although he had not appointed them; but he found one fine morning that he had become legally liable for a sum of between 30,000*l.* and 40,000*l.* One gent. connected with the office went off to America with 25,000*l.* of the public money, and another soon after became a defaulter to the amount of 10,000*l.*; on the discovery of which that unfortunate person put a period to his existence. Formerly, the Treasurer was in the receipt of large sums from profits on the money which was allowed to be in his hands; but, subsequently, those profits were taken away, and a salary of 4000*l.* a year allowed instead. The committee of finance, in 1817, recommended that the office of Treasurer of the Navy should be assimilated in point of salary to that of the Paymaster-General of the Forces. Formerly, that office was divided between two persons, each of whom had a salary of 2000*l.* a year: afterwards, by the recommendation of the committee of finance, the second Paymastership was abolished, and a salary of 2000*l.* a year, with a residence and some small emoluments added, which made it worth about 2500*l.*

a year. The committee recommended a similar establishment for the Treasurer of the Navy, but at the same time it was understood, that if that office were held along with another of public and active employment to which no salary was attached, it should continue to yield the full salary. When he got it, the salary was only 3000*l.* a year, which was 1000*l.* less than any of his predecessors in the office had received. Now he would admit, that if the two offices—that of Treasurer of the Navy and that of President of the Board of Trade—were disconnected, there was no reason why the former should not be put upon the salary recommended by the committee of finance; but as the present residence attached to it might more advantageously for the dispatch of public business be applied to other uses, and as that, with coals and candles allowed, might be estimated at about 700*l.* a year, he would add 500*l.* a year to the 2000*l.*, thus bringing it on a level with the office of Paymaster-General of the Forces. The hon. member opposite (Mr. Hume) was anxious to know from what funds this additional expense to the country was to be derived, and he seemed disposed to save it out of the whole or part of salaries which appeared to him useless. Now he would tell the hon. member, that if he could lay his hand on any useless office, he was very well disposed to abolish it, without any reference to the present motion. The Government had shown its disposition to abolish useless offices in their recent regulations with respect to the boards of Customs and Excise in the united kingdom. In the same spirit of reduction, they had not filled up a vacancy which occurred in the Treasury board, and he had no doubt that his rt. hon. friend at the head of the commission of Revenue Inquiry, would be prepared at no distant period to propose an additional saving to the public, by the consolidation of the boards of Stamps, which were at present acting independently of each other in England and Ireland. He would conclude by repeating what he said last night—that there was no necessary connexion between the regulation of the office of Treasurer of the Navy and the vote before the committee. If the house should be of opinion that that office was not necessary, or that it was overpaid, they would have ample opportunity, in the course of the session, of declaring that opinion.

Mr. Tierney wished that the vote before the committee should pass unanimously, in order to express the sense which was entertained on all sides of the great ability with which the rt. hon. gent. (Mr. Huskisson) had discharged the important duties of his office (hear, hear). It was agreed on all hands that the sum of 5000*l.* a year was not an over-payment for discharging the offices of President of the Board of Trade and Treasurer of the Navy. He could by no means concur with those who thought that the office of Treasurer of the Navy should be abolished. It was an office of very old standing, of considerable public importance, and of great personal responsibility to the holder. He had held the office, and speaking from the recollection of twenty-three years back, he could assure the committee that it was by no means a sinecure. On the contrary, it was one which required no inconsiderable degree of care and attention, though perhaps the business to be done might be gone through by one hour's application every day. Since that time, he was aware that its duties had been considerably



increased by the attention required to the payment of money under seamen's wills. The committee might judge of the responsibility of the situation, when he informed them, that for five years after he left it, he did not get his *quietus* from it, so as to be released from all farther liability, though all his accounts were found quite correct. Looking to the nature of the duties of the office, one of the last things in his mind would be to think of its abolition, but it would be also one of the last things he could think of, to place at the disposal of Government two situations, one of 5000*l.* and another of 2000*l.* a year. Some time ago, when this and other offices were under the consideration of the committee of finance, it was clearly understood that there should be kept up some sinecures and offices with high salaries to which no great labour was attached, to be given to privy councillors holding high offices which were not well paid. Instead of making the two offices separate, he would suggest that 2000*l.* a year should be added to the salary of Treasurer of the Navy, when that office was held by the President of the Board of Trade. He thought the duties of the two could be efficiently performed by the right hon. gent. who at present held them. If, however, the right hon. gent. would declare (and he would take his word for that as he would for any thing else) that he was not able efficiently to discharge the duties of both offices together, let him state that, and then let some other course be taken. He did not concur with those who thought that they should first find out where the increased salary was to come from before it was voted, because it was but justice that no efficient public servant should be without full remuneration for his services.

Mr. *Huskisson* said, that in the peculiar situation in which he was placed, it could not be expected that he should offer any opinion, as to the amount of compensation which should be given to the holder of the offices which he had the honour to fill. After what had been said by his rt. hon. friend near him and his rt. hon. friend who had just sat down, it would be unnecessary for him to enter into any detail of the duties of the office of Treasurer of the Navy. He would, however, remark that those duties had been very considerably increased by the attention required to seamen's wills. Gentlemen who supposed that the office of treasurer was a mere banking concern, were very much mistaken. It was one of great responsibility and anxiety, and consistently with his other employments, he could not give to it that strict attention which was requisite for an adequate performance of its duties (hear, hear). He had a paymaster on whom he placed the greatest reliance, and he knew not what he could do if he were deprived of the assistance of that meritorious individual. In such a case he must resign his office rather than incur the risk of appointing a person unacquainted with its duties. He did not mean to say that he had neglected the duties of the situation, but he found it impossible, consistently with his other employments, to bestow sufficient time and attention to them. With respect to the situation of President of the Board of Trade, he had exerted himself to the utmost of his abilities, to render himself useful and to give satisfaction to the country at large (hear, hear).—In concluding his observations, the rt. hon. gent. left the question entirely to the house. The measure was not of his seeking; and in whatever manner the

committee should be inclined to dispose of it, he would be satisfied with their decision.

Mr. *Calcraft* observed, that the rt. hon. gent. opposite had a peculiar talent of magnifying the importance of their respective offices. One would be inclined to suppose from the extreme diffidence of those rt. hon. gent. in speaking of their own exertions, and the manner in which they spoke of the great labours attached to their situations, that they had been forced, against their inclinations, to accept of their present appointments (hear, hear, and laughter). He apprehended, however, that neither the Chancellor of the Exchequer nor the noble earl at the head of his Majesty's councils, were ever obliged to beat up for recruits, and to offer a bounty for the acceptance of a place. It was rather singular that the present was the first time the rt. hon. the President of the Board of Trade complained of his being obliged to execute the duties of two offices. So long as the salary of both appointments continued, that rt. hon. gent. preserved a laudable silence. He never complained of the severity of the duties until the present occasion, when the propriety of disuniting the offices was suggested. The hon. gent. had said much of the loss he should sustain if he were deprived of his present paymaster; a loss which he had described as irreparable: but was there nobody second or third in the department capable of supplying his place? He contended that one of the main motives which influenced Government in bringing forward the present question was to throw additional patronage into their hands, and secure another member to fill their own ranks (hear, hear). The Treasurer of the Navy might be exalted in consequence of this new measure, and he might be made a member of that house along with the rest of the ministers: but if the house was of his opinion, they would be cautious how they admitted another placeman within the walls of parliament. This was not the time to add to the pecuniary burthens of the public, for the sake of diminishing the official burthens of the servants of the public. It was idle to contend that the two offices could not be managed by the same individual. The Chancellor of the Exchequer, when President of the Board of Trade, held the treasurer-ship of the navy, and he never complained of being overburdened with business. That rt. hon. gent. took merit to himself for having abolished certain offices connected with the revenue, although, as he said, he might, if he pleased, have made out a good case for many of those situations. How did this admission look? Why, that although the rt. hon. gent. abolished the offices, because in his conscience, he did not think them necessary, yet he could, if he liked, have made out a case by which it would appear that they were still required (hear, hear). The rt. hon. gent. boasted that he had given up a lord of the treasury, in order to prove further his desire to reduce the national expenditure; but he had forgotten that the lord of the treasury had not been thrown overboard by the rest of the crew until they had been defeated on the question respecting the supernumerary lords of the Admiralty. Unless some pledge should be given that the situation of treasurer of the navy was not to be at the disposal of the Government, with a view to increase its patronage, he must vote against the original proposition. He felt, he owned, some little surprise at the different tone which the rt. hon. gent. (the Chancellor of the Exchequer)



assumed since last night. He had imagined that if ministers meant to persevere they could not have consented to the postponement, to which the opponents of ministers had only consented because they wished, from motives of delicacy, to avoid throwing any slur upon the vote of remuneration to the President of the Board of Trade, whose services had been so meritorious. But he now saw that there were other reasons which influenced the *rt. hon.* the Chancellor of the Exchequer in wishing to postpone the measure. No doubt the *rt. hon. gent.* did not wish to press his motion last night, because, among other reasons, the opposite side of the house was not so well attended as he could have wished. The real motive of the Chancellor of the Exchequer in bringing forward the present motion, on the main principle of which both sides of the house concurred, was, that under the plea of the high character and acknowledged merits of the *rt. hon.* the President of the Board of Trade, he might have a situation to dispose of to some of his supporters (hear, hear).

*Sir J. Coffin* said, that having held the situation of Treasurer of the Navy for some years, he might be supposed to know something of its duties. He did not by any means look upon the situation as a sinecure; and he could not credit the assertion that any *gent.* could adequately perform the duties of that office by devoting only an hour each day. He himself had given up many hours in the day to the performance of the duty which he had to transact, and yet he found that he had enough to do.

*Mr. Denison* :—The Chancellor of the Exchequer had stated, that while he had filled the office of President of the Board of Trade, he had been responsible for a sum of 35,000*l.*, which had been lost owing to the defalcations of two subordinate individuals. He begged to ask if that sum had ever been refunded by the *rt. hon. gent.*?

The Chancellor of the Exchequer said that the principal sum made away with amounted to something about 30,000*l.*, but Government having learned the route of the defaulter, were fortunate enough to catch him in America. They could not make him a prisoner in that country, but after some threats 15,000*l.* or 16,000*l.* were refunded, and his securities were obliged to pay largely; but, notwithstanding, the public lost by the transaction. About 6000*l.* was the sum which the other defaulter made away with, but nearly the entire amount was recovered from his securities. He (the Chancellor of the Exchequer), however, had fully satisfied the Lords of the Treasury, that he was not to blame, and that *right hon. board* acquitted him accordingly (hear, hear). And in order to put a stop to similar transactions, a bill was brought into parliament by which their recurrence was prevented. It would have been very hard if he had been called on to refund the money.

*Mr. Abercrombie* expressed his regret that this proposition had been brought forward, as he had the most sincere respect for the *rt. hon. gent.*, and a high sense of his services to the public; and it was distressing, that this salary should be proposed in a shape which compelled him and others to oppose it on public grounds. It was unfortunate, that the popularity which the President of the Board of Trade had so justly acquired in the discharge of his duties to the public should be exposed to so much

risk by a proposition like this. A great deal had been said about the incompatibility of the office of President of the Board of Trade with that of Treasurer of the Navy. He had no personal knowledge on the subject, but from all that he had heard about the matter, it appeared to him that there was no incompatibility between them, and that both offices might be held and adequately managed by one person. The denial of this was only one of those official fallacies which were often put forward and defended by ministers. The only argument on the ministerial side which made any impression on him, was the declaration of the *rt. hon.* President of the Board of Trade, that if he lost his present paymaster, he could no longer retain the treasurership of the navy. But then where could be the difficulty of finding another person in the office fully acquainted with its duties, in all their details? And as to the responsibility, the answer to the question put by the *hon. member* (*Mr. Denison*) put an end to all ground of dispute on that head. A loss had been suffered by the public in the office of Treasurer of the Navy, and the Chancellor of the Exchequer, who was the Treasurer of the Navy, was not called upon to make up the loss, because it had not happened through his fault. So that the responsibility amounted merely to this—that the Treasurer must make up any deficiency that might arise from his own dishonesty or gross negligence. The responsibility was, therefore, another mere official fallacy. The Treasurer had only to keep clear of any personal blame, and the responsibility was nothing. But they had the advantage of experience on the subject. Lord Melville had held the office of Treasurer of the Navy along with that of Secretary of State. To be sure, Lord Melville had the services of his *rt. hon.* friend as his under Secretary; but then the President of the Board of Trade had the assistance of the Vice-President. The object, in short, appeared to be to make a separate Treasurer of the Navy, in order to get another placeman's vote in parliament. Supposing that the performance of the duties of the two offices were incompatible, it would be the duty of the house, at any rate, to take care that the influence of the Crown, already too great, should not be increased by the admission of another Government officer into parliament. There was a Vice-Treasurer of Ireland, who had nothing to do in that country but to sign his name to some papers, and therefore that officer took care to attend parliament in this country, while this Vice-Treasurer had another Vice (a laugh) in Ireland. This office, therefore, served no other purpose than to increase the ministerial force in parliament. In this instance, at least, care ought to be taken that the influence of the Crown should not be increased in this manner. There was another office that might be united with that of President of the Board of Trade—he meant the office of Chancellor of the Duchy of Lancaster; and why should not the salary of that office be increased so as to afford ample remuneration to the President of the Board of Trade? He trusted ministers would consent that the further proceeding should be deferred, that the point might be reconsidered, and some other arrangement adopted, so that they might not appear to oppose the giving that ample remuneration to his *rt. hon.* friend which his services so well merited. It had been early said of him, when he first appeared in public life, that



he would some day render the state great service, and that prediction his *rt. hon. friend* had amply fulfilled (cries of "Move, move!").

*Sir John Newport*:—There was only one opinion as to the merit of the President of the Board of Trade, and it was distressing to force the house to oppose this resolution, which they could not support without a violation of their public duty.

*Mr. Canning*:—To vote for this salary would not compromise the right of any gentleman to call for an inquiry into the office of Treasurer of the Navy. He denied that this measure would increase the influence of the Crown. It might be right or wrong for the Treasurer of the Navy to sit in that house, but it was not matter of course that another office should be held by the same person. Lord Melville, it was true, held the office of President of the Board of Control with the Treasurership of the Navy. But Lord Harrowby, the *rt. hon. gent. opposite* (Mr. Tierney), he himself, and Mr. Sheridan, had each held the Treasurership of the Navy, without any other office. During all that time, it had never been made a question whether the Treasurer of the Navy ought not to be allowed to sit in the house. It was incorrect to talk of the office as a sinecure—it was not so in any one sense of the word. He did not dispute the assertion of the *rt. hon. gent. opposite*, that the duties did not take up more than an hour a-day of his time when he held it: but taking the fact as the *rt. hon. gent.* had asserted it, he must still consider this as a most inaccurate way of viewing it. Surely it would not be contended, that because a great banker only attended his establishment for an hour a-day to inspect accounts which were prepared for him by all the clerks, that his utility was to be classed with the attendance of one of the servants of the establishment. The increase in public business was almost overwhelming in every department. Concerning his own office, he could only say that he did not spare himself; but certain it was that no man who held it could call one hour of his time his own. He objected to the instance of the Vice-Treasurership of Ireland being assumed as an increase of the influence of the Crown. That office only replaced the Chancellorship of the Irish Exchequer, whose functions were abolished by parliament. As to the salary to the President of the Board of Trade, it was a question which stood on its own merits. It was nothing more than restoring the salary which had been taken away by Mr. Burke's bill, and that upon circumstances so entirely different, as to furnish a complete justification of the measure. The salary had been taken away because the office was then apparently useless. It was now proposed to restore it, because the office became one of the most effective in the state.

*Mr. Calcraft* then proposed that the chairman should report progress, and ask leave to sit again on Monday.

On the amendment being put, the numbers were,

For the amendment, 44—Against it, 83—Majority in favour of the original motion, 39.

On our return to the gallery,

*Mr. Hume* thought an inquiry ought now to be instituted whether the office of Treasurer of the Navy could not be dispensed with altogether, or so modified that another individual might be enabled to hold it, and the salary be saved to the country. He never heard so lame

an apology proposed by any set of public men for any public measure as had been made that evening for the present proposition. He moved an amendment—"That it is the opinion of this committee, that a salary of 5000*l.* should be attached to the office of President of the Board of Trade, but that it is expedient that an inquiry should be instituted, to ascertain if any, and what, alteration can be made in the office and salary of the Treasurer of the Navy."

*Mr. Maclerly* seconded the amendment.

The Chancellor of the Exchequer contended that it was neither proper nor parliamentary to discuss in a committee of supply, the question whether the Treasurer of the Navy ought to be permitted to have a seat in parliament.

*Mr. Baring* said that nothing gave him greater pain than to vote against the resolution for affording compensation to the *right hon. gent.* who at present filled the office of President of the Board of Trade; but the fact was, that the shape in which the present resolution was worded, rendered it quite impossible for him to afford his consent to it. He conceived this to be as decided and as bad a government job as any that had ever come under the notice of parliament; and he hoped that those members who were tenacious of the public purse, and also of the constitutional principle of opposing the entrance of placemen into that house, would give it every opposition in their power. The *rt. hon. gents.* had talked of the responsibility of the office of Treasurer of the Navy, but it appeared from a question which had been put to the *right hon. Secretary for Foreign Affairs*, that the responsibility of the office amounted almost to nothing. He did not know what was the nature of the duties incumbent on the individual who acted as Treasurer of the Navy. He believed that there were other members in the same situation with himself; and if that were so, it was a sufficient reason for instituting the inquiry which the *hon. member* (Mr. Hume) proposed. As ministers refused to institute that inquiry, all he could do was, to meet their resolution with the most determined opposition.

On a division, the numbers were—For the amendment, 35—Against it, 71—Majority, 36.

The original resolution was then put and carried.

MONDAY, APRIL 10.—*Mr. Brogden* appeared at the bar with the report upon the civil list act.

On the question "That this report be brought up,"

*Mr. Hobhouse* said, he would take that opportunity to enter his protest against this proceeding, and to express his astonishment, that his Majesty's ministers should have chosen this peculiar time for proposing an unnecessary addition to the number of placemen and pensioners whom they now saw in the House of Commons. Every *gent.* must recollect what had fallen from the Chancellor of the Exchequer in the speech which he delivered when introducing the Budget a few weeks ago. He declared how much he disliked the patronage which, as a minister of the Crown, was intrusted to his hands. But in the teeth of his profession, he came down to the house, and asked, as a matter of course, that they would split one placeman into two, and thus make a considerable addition to the already too powerful



patronage of the Crown (hear). He did not, on this, or on any other occasion, wish to attach a fanciful importance to any question. He did not suppose that one additional placeman would ruin the constitution, unless it had been very much deteriorated before; but he had a right to call on the Chancellor of the Exchequer to assign his reasons for dividing one place into two. He knew that some of the poorer bishops were allowed to hold other offices to make up for the deficiency of their annual revenue. Thus the Bishop of Bristol had been suffered to retain the Mastership of Trinity College, Cambridge, on account of the smallness of his income. But did any one ever hear of a proposal to remunerate that bishop, by granting him the full extent of his income for performing the duties of one office, while a second person was employed to do the duties of the other; thus employing two individuals to execute that which had previously been well done by one? The *onus* of proving the necessity of this proceeding rested with ministers. The right hon. gent. on the other side of the house were bound to show that the duties attached to the office of Treasurer of the Navy, and President of the Board of Trade, had not been heretofore efficiently performed by one person. Nothing of this kind had, however, been asserted. The rt. hon. gent. (Mr. Huskisson) did not state that he could not do the business of both situations. The rt. hon. gent. said, he would prefer attending solely to the duties which devolved on the President of the Board of Trade—that was, to perform the business of one office instead of two, with a better salary, which was natural enough. Here let it be observed, that he made no objection to the increase of that rt. hon. gent.'s salary (hear, hear). Very far from it. That was not the question; but whether they were to have two officers of the Crown in the House of Commons instead of one? His rt. hon. friend (Mr. Tierney) had told them, on Friday night, that when he filled the office of Treasurer of the Navy, in time of war, he performed the duties adequately, by devoting one hour each day to that object. That statement remained uncontradicted. The Chancellor of the Exchequer only said, that a considerable degree of anxious responsibility was attached to the situation, for which an officer of the Crown ought to be adequately remunerated (hear, hear). But, in point of fact, the responsibility alluded to by the rt. hon. gent. was none at all. Responsibility, according to the real signification of the word, must mean the liability of a man's fortune to make good the deficiencies occasioned by the running away of any of his underlings. But, if the individual who was at the head of an office was not called upon to make good the deficiency occasioned by the malpractices of his clerks, there was no responsibility. The business of the office ought to be so arranged, that the public could not be losers by the improper conduct of subaltern agents. The Chancellor of the Exchequer had stated, that some labour had been added to the office, in consequence of the arrangement relative to seamen's wills: but that part of the duty was now provided for by act of parliament, and the additional labour had been removed (hear). If he were mistaken in this or any other of his positions, that very circumstance afforded a reason for granting that inquiry into the nature and arrangements of the office which his hon.

friend (Mr. Hume) had required. His Majesty's ministers had not treated the rt. hon. gent. (Mr. Huskisson) fairly (hear). That rt. hon. gent. undoubtedly deserved much of his country. He had acquired popularity, and it was hard upon him that his well-earned popularity should be obliged to carry weight (hear, hear)—that ministers should endeavour to take advantage of it, in order to fasten upon it a measure altogether unjustifiable. From his unwillingness to shew the slightest disrespect to the President of the Board of Trade, he hardly knew how to shape a motion; but, as he was bound to resist this proceeding, he should take the course of protesting against the report. Out of doors but one opinion prevailed on the subject, where it was considered, as the hon. member (Mr. Baring) had termed it—a ministerial job. It had been urged, that formerly the two offices had existed separately, as if it were any reason for the vote, to say that it was fit to revive an exploded absurdity,—that experience was to be of no use; and that, because it had been found very convenient and proper to unite them, they were now to be disunited. It was a hard case upon the house—upon the king's ministers—aye, and upon the king's opposition, too (hear, and laughter), that they were to be dragged through the mire, because it was thought proper by certain individuals to pursue the course now recommended. To him it seemed a wanton attempt to increase the already swollen number of placemen with seats in parliament. Nothing could more plainly shew the distress of ministers upon this occasion, than the fact, that the President of the Board of Trade himself had been obliged to make a speech in favour of the motion.

Lord Glenorchy observed upon the obvious difference between the principles and the practice of the Chancellor of the Exchequer. Ministerial influence in that house was already more than sufficient, since many branches were filled by those who were placemen and pensioners of the Crown.

Mr. Canning:—On a question of so much personal feeling on this and the other side of the house, he was anxious, before hon. gent. came to a vote, to state, as briefly and as plainly as possible, his view of the question. He could not give a much better proof of his disposition to treat the matter with all fairness, than to assure the hon. gent. who spoke last but one, that he would not take advantage of the opportunity the amendment afforded of stating, that the hon. gent. meant to offer an obstruction to the whole plan, when, in fact, the opposition was only directed to one particular part of that plan. It could not be understood, after what had passed, that the amendment implied the slightest blame or disparagement of the president of the board of trade (hear, hear). The hon. member (Mr. Hobhouse) had asked why the present unfavourable time was taken for introducing such a proposition? The answer was plain: the question, in fact, originated with those whom the hon. gent. had designated his Majesty's Opposition (hear, and laughter). Government had not entertained the slightest intention of proposing the change until the suggestion came from the other side of the house in a former session. This suggestion had certainly been made under better auspices,—when the pecuniary affairs of the country had a more flourishing aspect; but the time was the misfortune, not the fault of ministers. The hint having



been given in the last year, ministers thought that they could not shrink from the adoption of it in the present. He could further inform the hon. gent., that ministers had received an intimation, from what they conceived good authority, that if Government did not stir in this business, some member of the Opposition would, so that, in point of time at least, those who brought forward the vote were completely exempted from blame. If he were compelled to purchase one of these offices, by the sacrifice of the other, he would certainly sacrifice the presidency of the board of trade, and retain that of the treasurership of the navy. This he would do with a view to the general advantage of the Government. It seemed to be contended that the two offices were so naturally united, that nothing but the most barbarous policy could ever separate them. But the office had been held as often alone as conjoined with another. It was true that Mr. Dundas held it while he was at the same time president of the board of control. In 1790, the presidency of the board of control became a salaried office, the salary being 2000*l.* in contemplation of the 4000*l.* which Mr. Dundas had as treasurer of the navy, on the principle that the emolument might be about equal to that of secretary of state. This salary of 4000*l.* had been established when the balances of public money were transferred from the treasurer of the navy to the Bank, after Mr. Burke's celebrated speech on economical reform, by which he also succeeded in abolishing the board of trade, and the salary of its president, amounting to 8 or 10,000*l.* a-year. Thus the matter stood till 1799, when Mr. Ryder succeeded to the office of treasurer of the navy, but not to the board of control. In 1801, Mr. Bathurst succeeded to the office of treasurer of the navy, and held it without any other office. In 1803, the *rt. hon. gent. opposite* (Mr. Tierney) held the treasurership without any other office. In 1804, he himself (Mr. Canning) succeeded to the treasurership, and held it without any other office. In 1806, Mr. Sheridan succeeded him, and held the office separately. In 1807, Mr. Rose succeeded Mr. Sheridan in this office, and held it along with the office of vice-president of the board of trade, and so the matter stood till 1812. In that year, Mr. Rose ceased to be vice-president of the board of trade, and held the office of treasurer of the navy alone for six years after, till the day of his death: so that it was a total mistake to suppose that this office was always held jointly with another office. It had been held quite as often alone. The office was certainly not a sinecure. What the *rt. hon. gent. opposite* (Mr. Tierney) had said on a former night, he (Mr. Canning) said now—that the treasurer of the navy, being an officer high in public trust, ought to hold his time and his talents at the disposal of Government, in order to spare those servants of Government who were generally over-laboured. This was not merely his opinion—he was stating only what had been said by a committee of that house in 1817, at the time Mr. Rose held the office alone, with a salary of 4000*l.* In the report of that committee, dated the 23d of June in that year, he found the following observations:—“They esteem the salary paid to the treasurer of the navy as much too large, and recommend a reduction on any future appointment to that office, so as to place it on a level in respect of emolument with the paymaster of

the forces, its present salary being the same as that which would have been lately received by the paymaster of the forces, if the office had been held by one individual. Your committee, however, think it but fair to observe, that in the oldest naval estimates extant, viz. from 1684 to 1695, while the salaries of the lords of the admiralty were, as at present, 1000*l.* per annum, the salary of the treasurer of the navy was no less than 3000*l.* per annum; and there is no doubt, that, besides his official duties, the treasurer of the navy has been frequently looked to as the person to whom important parliamentary and political business, connected with the naval department, and the general concerns of Government, should be confided. Whether these latter considerations will induce the house to continue the salary of 4000*l.*, or reduce it to 3000*l.*, or any other sum, it is not for your committee to inquire. They have not in any case considered themselves called upon to enter into political considerations of this nature, and have recommended the reduction hereinbefore proposed, on a mere view of the duties of the office itself, and on a principle of assimilation to the paymaster of the forces.” There were various committees, especially, in which the holder of such an office might be called upon to preside; and his *rt. hon. friend*, at this moment, was chairman of a most laborious committee. There was nothing which contributed so much to break down the physical strength of a noble lord (Castlereagh), whom he (Mr. Canning) was not worthy to have succeeded, as his laborious exertions in a select committee of that house. The *gents. opposite* had confessed, that Government had done some good things; but, on this supposed object of ministers to catch another vote, they had bestowed every vituperative epithet that could be applied to it. Now, he insisted that the present Government had shown no disposition to increase the patronage of the Crown, or to make offices for the sake of votes. The learned member (Mr. Abercrombie) had adverted to the office of vice-treasurer for Ireland, and some others; but the office of vice-treasurer for Ireland was no new office: it existed before, under another denomination. Then, with respect to the master of the mint, he was at the head of an important commission, with a salary attached to it. But when Mr. Wallace was made master of the mint, his salary as commissioner had been diminished, although it was a most popular commission. He claimed, therefore, fair credit for the assertion, that when the present Government wished to retain an office, it was because they honestly thought such an office ought to exist, and not with a view to increase their influence in parliament. What did it signify to them to gain a few single votes? They did not want such votes. Government must be supported by the confidence and trust reposed in it by the great body of the house and the country, and was not reduced to the necessity of canvassing for a few votes. If matters came to that pass that ministers must depend for their support on ten or twenty votes, it would be time for them to think of resigning their offices. The present Government had even been very lax on this point, and had not insisted upon many officers being in parliament who really ought to be there. He remembered when Mr. Pitt, who was himself equal in debate to any ten or twelve men of the present day, was supported



by the master of the rolls (Sir William Grant), and the master of the rolls sat in parliament until Sir Thomas Plumer was appointed to the office. There was another instance, in the case of one who held an office which bore some relation, with respect to the civil law, to the office of attorney-general, who had formerly usually sat in parliament, and had no seat there at present. In 1804, he remembered, when a very warm and long debate arose on a certain occasion, the whole brunt of it fell on the master of the rolls and the king's advocate. In what period was there such a number of the profession of the law among his Majesty's opposition as existed there at the present moment? What an advantage then would it have been to the ministers, to have had the master of the rolls and the king's advocate in the house on such occasions, for instance, as the recurrence of the chancery debates, and others of a similar nature, which lawyers alone could best understand? Then ministers had against them two eminent civilians (Sir J. Mackintosh and Dr. Lushington), and what an advantage would it have been to the ministers, even in that view, to have the assistance of the master of the rolls, the king's advocate, and the judge advocate, another officer who had generally a seat in that house? Never, till the time of the present Government, had these three officers been dispensed with in parliament. This was a proof, that in wishing to divide these two offices, ministers were not actuated by any motive of parliamentary influence; and they only wished to retain the offices, with the power of sitting in parliament; because it was their sincere conviction, that the course they were pursuing was beneficial to the country. Then, with respect to the diminution of the salary, and the exclusion of the treasurer of the navy from parliament, he objected to this latter proposition more than to any other that had been suggested. He objected to the principle of excluding from parliament officers in high situations under the Crown. It was of the greatest importance to the country, that the Crown should look to the houses of parliament for persons to fill high and responsible public situations. He knew no law that prevented the Crown from making any one who was not in parliament Prime Minister. But he had never heard it said, that it would be a good thing for the country that the Crown should choose for ministers persons not in parliament. Was not this a great security to the public for the efficiency of the officers of Government, that they should appear in parliament, and prove their capacity for their situations? There were certain offices whose possessors could not be excluded from parliament, without lowering the standard of the Government, and such an office was the treasurership of the navy. The consequence of excluding such officers from parliament would be to make the offices of state subjects for scramble among mere favourites. The gentlemen opposite, might, themselves, soon succeed to these offices, and he was, therefore, doing them a great favour in resisting their proposition (a laugh). If it were acted upon, they would have for the great offices of state persons of no higher qualifications for them than those of bankers' clerks. The parliamentary character ought never to be separated from high and honourable office, and never could be so separated, without great injustice to the public, and the loss of that high respectability which the Go-

vernment of this country generally maintained. So much, then, for the notion of excluding the treasurer of the navy from parliament; and now one word with respect to the salary. That salary was before 4000*l.* per annum, and at the present time it was 3000*l.* It was now proposed to reduce it to 2000*l.* He knew no principle upon which any one of these sums should be preferred to the others. But he found, in the report of the finance committee, a statement, that when this office was held alone, it should be put on the footing of that of paymaster of the forces. Here, then, was a rule; and, as the case mentioned by the committee was now likely to arise, that rule might be applied to this office. The salary of the paymaster of the forces was 2000*l.* with a house. It was now intended to give the treasurer of the navy a salary of 2500*l.*—the additional 500*l.* being in lieu of a house. He had stated the reasons, which to him appeared conclusive, why the treasurer of the navy ought not to be removed from his seat in parliament. It was unnecessary to argue the third point, relative to the continued unity of the offices of president of the board of trade and treasurer of the navy, as the propriety of that measure had not been attempted to be maintained by any body in the course of the debate (cheers).

Mr. Tierney:—"The question we have to discuss, is not whether the office of the treasurer of the navy should be abolished, as the *rt. hon. gent.* has argued it, and as any member entering the house during his speech must have supposed it to be. Nobody on my side of the house has dreamed of any such proposition, or hinted at it in any shape. I am glad to see so many members coming in at this moment. We shall, I trust, have a fair start now (a laugh). The true and only question before us is, whether the salary of the president of the board of trade shall be increased 2000*l.* more than he now receives; and I beg that we may not be talked out of it. Now, what, I ask, has that question to do with the influence of the Crown, or any of the other topics which the *rt. hon. gent.* has pressed into his service (this evening)? All that has been said is, that this measure will increase the power of the Crown by the creation of one office more than are actually existing. My hon. friend (Mr. Hobhouse) calls us his Majesty's opposition, and I think it is an excellent phrase (laughter). I ought to know something as to its correctness, for it has been my lot to be zealously opposed to his Majesty's Government—though latterly, since they have acted upon principles which seemed to me to entitle them to public approbation, I have to the utmost extent of my power supported them. My hon. friend could not have invented a better phrase to designate us than that which he has adopted, for we are certainly, to all intents, a branch of his Majesty's Government (laughter). Its proceedings for some time past have proved, that though the gentlemen opposite are in office, we are in power (cheers). The measures are ours, but all the emoluments are theirs (cheers, and laughter). It appears, by the *rt. hon. gent.*'s shewing, that this is our motion (hear, hear). He contends that we have no right to oppose it, because it was he who originally suggested it. It is in my opinion immaterial from what quarter the suggestion proceeded. I believe an hon. friend of mine (Mr. Baring) did say that he considered the salary inefficient to the labour required by the



duties of the office, and the great talents with which they were at this moment discharged. But this suggestion was thrown out last session, and no fault was found on our side of the house this session; because no notice had been taken of the suggestion. But it seems to have lain heavily on the rt. hon. gent. (Mr. Canning). He steps forward to relieve himself, and, as he assures us, to gratify us (a laugh); and he says, 'I will accede to your wishes; I will take the salary you suggest for one office, and I will keep the other office with the salary just as it is' (cheers). No wonder that we did not know our own child. Under his nursing, he had changed it for a lusty bantling, in the shape of a new treasurer of the navy (laughter); an office which I undertake to prove utterly useless, in a sense which I will hereafter explain. The rt. hon. gent. says, that we are not sufficiently on the alert with regard to our own interests; and he has declared that Government is in no want of such supporters as it may gain from this measure. I differ from him widely. I think that Government do want support. I never saw a session when they wanted it more (hear, hear). The rt. hon. gent. may not be aware of the full extent of his obligations to this side of the house; but I can assure him, that if, as he asserts, he would not consent to stay in office with a pitiful majority of twenty, he would, without our support, have been long ago driven from his present honours. If we take away our support, out he must go tomorrow (a laugh). The rt. hon. gent. has taken credit somewhat too largely for the reduction of the official seats in this house. True, we have lately had no master of the rolls here. But Sir Thomas Plumer, towards the close of his life, could not, if he would, have given his personal support to the measures of Government. His infirmities rendered him incapable of attending. If we have no master of the rolls now in this house, it is because he is in another place, where he is required to be bodily present for the aid and support of the Lord Chancellor (laughter and cheers). But the rt. hon. gent. complains that the opposition is made up of lawyers. It is true that we breed some lawyers on this side, but it is also true that we sometimes breed them for the other side of the house (laughter). Half their strength has come out of our nursery, not much improved certainly by transplanting (laughter). "You have two civilians," the rt. hon. gent. says; "there is an advantage!" But what has he, let me ask? He has one civilian (Dr. Phillimore),—and a judge (Sir J. Nicholl), and as one judge is at least worth two civilians, the balance is on the other side of the house. The learned civilian (Dr. Phillimore) was not seated at the Board of Control purely on account of his knowledge of Indian affairs. He no doubt considers the £500l. a year he receives as a general retaining fee for the support he is to render to the rt. hon. gent., who, on his part, seems to think that the moment a lawyer accepts office, he is bound to vote with his party through thick and thin. As to lawyers in general, there are surely enough on the other side of the house. They have the Attorney-General, and the Solicitor-General, and the Chief Justice of Chester—he, by the bye, is one they have borrowed of us (a laugh)—and they have a Welsh Judge, and perhaps they will have Mr. Kenrick next (laughter); while we have only those who maintain their station by the independent exercise of their talents. The real question

before us, however, is, whether the proposed salary of 5000l. shall be given to my right hon. friend the President of the Board of Trade, in consideration of the great ability with which he has filled that office? That is the footing on which I wish to see the question stand. I mean to consider the proposition as a compliment to the rt. hon. gent. (Mr. Huskisson), for I am not convinced that his office ought permanently to belong to the Cabinet. I am favourable to the proposition, because I am of opinion that Government will be strengthened by increasing the rank and importance of this officer. I therefore heartily hope he may have the augmentation desired. The rt. hon. Sec. (Mr. Canning) says that the suggestion originally came from our side. So let it be, if he pleases; but in what shape did it go from us? Why, undoubtedly, as a suggestion to add 2000l. to the salary of 3000l. already received by my rt. hon. friend (Mr. Huskisson) as Treasurer of the Navy. There is the less reason for giving a large separate salary to the President of the Board of Trade, as it is the necessary tendency of the labours of my rt. hon. friend to reduce the number and weight of the duties of that office in future. As to the incompatibility of the two offices which he now fills, will any hon. gent. in this house lay his hand on his heart and say, that he verily believes any inconvenience has resulted to the public service, or to the individuals holding those offices, during the last six years? I will by every means oppose this attempt to make the Presidency of the Board of Trade a substantive office. I regard it as a wanton waste of the public money; and I am equally opposed to the miserable project for reducing the salary of the Treasurer of the Navy from 3000l. to 2500l., in order that it may be given to somebody for his support in this house; and for aught that I know, too, to a lawyer (laughter and cheers).

The house then divided, when the numbers were—For the motion, 87—Against it, 76—Majority for ministers, 11.

Mr. Canning expressed his regret that the smallness of the majority would prevent him from persevering in the course, which, as a matter of principle, he had conscientiously supported; but which, as a matter of expediency, he now felt himself bound, under all the circumstances of the case, to abandon. The expression of opinion had, undoubtedly, been very strong, and his Majesty's Government would not further press the measure. As it seemed to be the wish of the house, they would consent to the union of the ancient office of the Treasurer of the Navy with that of the President of the Board of Trade (hear, hear).

Mr. Tierney rose, with heartfelt pleasure, to assure his Majesty's Government that they had, by this act, justly earned the approbation of his Majesty's Opposition (laughter).

The Chancellor of the Exchequer said, that his rt. hon. friend had intimated the course which Government intended on this occasion to pursue. It was his duty to carry that intention into effect, and it appeared to him consistent with right feeling, and with a due sense of what belonged to his situation, to move the proposition himself, without suffering any restraint from false shame (hear, hear). Many severe and groundless imputations had been cast upon Government in the course of the debate, but it was not necessary to do more at that time than to notice and repel them gene-



rally. He felt it his duty to move, "That the resolution be amended by inserting the sum of 2000l. as the salary of the President of the Board of Trade, instead of 5000l.

Sir M. W. Ridley seconded the amendment, which he had intended to move himself, if the rt. hon. gent. had not anticipated him.

Mr. Hume said, he wished to have his word too (a laugh). He would be happy to see Government oftener act as they were then doing. If the Opposition would attend more to their duty, he calculated upon a great deal more attention to the wants and interests of the people, and he hoped that much would yet be done for their benefit before parliament rose.

The resolution, as amended by the Chancellor of the Exchequer, was then agreed to, and a bill ordered to be brought in to carry the same into effect.

## ARMY AND NAVY.

### *Army Estimates.*

FRIDAY, MARCH 3.—On the motion of Lord Palmerston, that the house should resolve itself into a Committee of Supply,

Col. Davies proposed the appointment of a committee to take into consideration the whole of the military expenditure of the country. The hon. member then entered into a comparison between the expenditure and military establishments of the French and American governments, and those of Great Britain. He recommended that colonial corps should be raised, instead of sending troops from this country, which occasioned a heavy expense. If the colonial resources were properly managed, and the pensioners on them were got rid of, he thought that they might be fully available for defraying the costs of their governments. The hon. member considered that the mode in which the militia of this country was called out, created a serious expense, without any real benefit. After adverting to their mean appearance in the field, he suggested that a portion of them should be called out and embodied for a longer time. The hon. member concluded by moving, as an amendment, to omit the words after "that," and insert instead, "a select committee be appointed to examine into the whole military expenditure of the country."

Lord Palmerston observed, that the committee was the proper place for discussing these details. He should therefore reserve what he had to say on the subject until the Speaker left the chair.

The amendment was then put, and negatived without a division.

The Speaker having left the chair, the house resolved itself into a Committee of Supply.

Lord Palmerston began by remarking, that any person who had heard the hon. member (Col. Davies) would think that the estimates now proposed had been greatly increased, whereas the sum estimated was nearly the same as that voted last year. The difference in men amounted to about 300, occasioned by three companies raised in Newfoundland, and paid by that colony; and the sum was greater by 126,000l., of which 84,000l. was occasioned by the change in the currency of Ireland. The remainder was occasioned by certain items being charged for a whole twelve month, which in the last estimates were only calculated for

three-quarters of a year. The estimates of the first class, including the land forces, staff, &c., amounted to 104,000l. more than those of the last year. The increase in the land forces was 94,000l.; in the staff, 2620l.; part of which arose from the change of the currency in Ireland; the remainder was occasioned by the augmentation in the medical staff on the coast of Africa. The medical staff at home had been diminished by 941l. In the War-office there had also been a diminution of 941l. Very great progress had been made in the settlement of the arrear accounts, and it had been, and would continue to be, his (Lord Palmerston's) great endeavour to make every practicable reduction of expenditure in this office. Under the head of medical charges, there had been a diminution of 941l., effected by the conversion of the Royal Military Infirmary into an hospital. In the estimate for volunteer corps, there was an increase of 8966l., arising from its being supposed that the services of more yeomanry for permanent duty would be required this year than the last. The addition, therefore, would arise from the expenses of the corps whilst on permanent duty; for the number was diminished by 800 men, so that there would be a saving in contingent allowances. But the pay of 5s. per day each man, for himself and his horse, was insufficient for the expenses incurred by this class of persons whilst engaged in a temporary military service, and it was therefore proposed to increase the allowance 2s., which would make it 7s. per day. In the second class of expenditure there was no material variation. In the third class there was an increase of 23,791l. There was no material variation in respect to the Royal Military College. There was an increase of 5339l. in the estimate for the pay of general officers. As that for garrisons there was no material variation. In the full pay to reduced officers there was a diminution of 7500l.; in the half pay and reduced allowances to officers of foreign corps, 2414l. The charge on account of pensioners of Chelsea Hospital was increased 3300l., that for out-pensioners was increased 44,653l., in consequence of additional casualties. The Royal Military Asylum was much the same as the last year. The widows' pensions were increased 6670l.; the allowances on the compassionate list were increased 4190l. The superannuation allowances were diminished 1759l. The Exchequer-fees continued the same as last year. The estimate for the veteran corps was diminished 3959l. The numbers and expenditure of the two years, therefore, stood thus:—Number of men in 1825, 76,345—number of men in 1826, 76,372; making an increase of 227 men. Charges in 1825, 6,476,000l.—charges in 1826, 6,602,000l.; making an increase of 126,000l. The army had been increased last year, it was true; but the increase had been acquiesced in by the house, and likewise by the hon. member (Col. Davies) himself. The only criterion by which the house could judge of the amount of force required, were the present exigencies of the service, and not the necessities of any antecedent period. The colonial service required a large force in actual employ; and it was necessary to have also a disposable reserve. The hon. gent. had suggested that colonial regiments should be raised in order to dispense with the services of the regular army; but he (Lord Palmerston) conceived that if officers were commissioned



for general service, they would not like to be required to serve in perpetual banishment, at all events not without an increase of pay, in which case there would be no saving of expense. The force would likewise be locked up; would not be available for general service; and would consequently become infinitely inferior in point of efficiency (hear). Under the present system, regiments were constantly coming home, and by undergoing inspection, were kept up in a state of discipline: if kept constantly abroad, the troops would lose all their efficiency, and would not be fit even for the defence of the colonies in which they were stationed. With respect to the proposal of the hon. member to substitute militia for a part of the regular force, the house would be aware that, under the existing law of the country, it could not be carried into effect. The Crown, at present, had no power to keep the militia permanently embodied in time of peace, unless under circumstances of apparent danger from invasion or rebellion. And even setting aside that objection, what would be gained by such a proceeding? Certainly no diminution of expense. Militiamen must be fed and paid as well as regular troops; and we should be only exchanging a very admirable and complete description of force for a very imperfect one. Upon the colonial force he would not detain the house farther than to observe, that he denied distinctly that it was at all greater than it ought to be. The observations upon North America would be best answered by his hon. friend the Secretary for the Colonial Department (Mr. W. Horton). The objection respecting the garrison of Gibraltar was peculiarly unfortunate; inasmuch as an hon. and gallant member (Sir R. Wilson) had declared, only in the last session, that, having personally visited that place, he had seen and been satisfied with his own eyes, that the garrison was not at all greater than was required, and indeed scarcely, in his opinion, sufficient. He should not follow the hon. member through his review of the finance systems of France and America, because it was a proceeding which did not go very directly to the subject before the house; but there was one position taken in the course of it, the truth of which he felt himself bound to deny. The hon. member said that it was an additional reason why we ought to make every practicable reduction, because we were now about to return to a metallic currency, and to act upon principles of free trade. Now, as far as he understood our object in going back to a metallic currency, it was to avoid the recurrence of those distresses into which the departure from that system had from time to time unhappily plunged us; and our adoption of principles of free trade was not a course which would render the country poor, and unable to bear expense, but a course which had been resolved upon from a conviction of its superior profitableness and expediency. The noble lord sat down by moving, that a force not exceeding 87,240 men should be maintained, exclusive of our force in the East Indies, for the service of the present year.

Lord Milton was glad, at least, that he did not stand in the same predicament with his hon. friend (Col. Davies); having voted in a small minority of nine against the estimates of the last year. He did not mean to enter into any detail upon the grants before the house; because his objection was not an objection of detail—

he objected to them altogether, as founded upon an erroneous view of the interests of the country, and he was the more confirmed in that opinion by the latter part of the speech of the noble lord opposite, in which he had endeavoured to divert the attention of the house from looking back to the principles of policy by which in former times the country had been regulated; he saw clearly from that speech that the military spirit of the Government—or, more properly speaking, its disposition for keeping up a large military establishment—was far from being so subdued as for the safety and happiness of the country it ought to be. The latter part of the noble lord's speech showed clearly that, in the opinion of the higher authorities of this country, our security depended upon the maintenance of a large military force. He (Lord Milton) was yet quite unconvinced that there was the least necessity for any larger establishment than the country, in former years, had been in the habit of maintaining. If our colonies had increased in one part of the world since the period to which he alluded, in another part they had been diminished. Fifty years since, it would be recollected, the whole of the United States had been under our control. But he objected to the principle upon which the estimates before the house were framed. In the year 1822, the vote had been for 69,000 men. In the present year, and in the last year, it was for 87,000. What was the object of this increase of 18,000 men in three years, and in three years, too, of prosperity? The noble lord said that the estimate for this year was not greater than the estimate for the last. He did not inquire about that; he asked, why it was greater than that for 1822? He would tell the house why it was greater. It was because in 1822 the distress of the landed interest was such that the noble lord could not have counted upon his rows of county members without reducing every establishment to the lowest possible point; and as a measure of policy, let the noble lord take that course again, without the loss of an hour; for he might depend upon it that, whatever had been the distress of the landed interest in the year 1822, it would be at least as great before the end of the year 1827. There was one point which he would briefly notice—the increase of pay to the yeomanry. The pay of the yeomanry upon service, had been heretofore 5s. a day: it was now intended to increase it to 7s. An addition of nearly one half was an augmentation of great importance; and, besides, he much doubted the expediency of keeping that description of force at all. In many parts of England, he believed, it was kept up merely for the gratification of a few individuals; to his knowledge they were kept up in one county with that view: but the presence of this force was no longer necessary, and the reduction of it would save the country 130,000l. a year—not to speak of the money wasted upon it in Ireland, where it was not merely useless, but a serious mischief. The noble lord then adverted to the general disposition evinced by Government to rely for the safety of the country upon the strength of an armed force; he contended, that the weakness of the country would be found in the weakness of its Stock Exchange, and not of its military establishments. This weakness the whole of the late conduct of ministers had tended to aggravate rather than to remove. A negotiation



had been entered into with the Bank, upon which he placed no reliance; what the country wanted was, not money, but confidence; and the conduct of ministers had tended to any thing rather than the restoration of confidence.

Mr. Hume thought it very necessary, before the first portion of these estimates was voted, to consider how far the country was in a situation to pay them. In his opinion, the whole estimates of the country—army, navy, ordnance, and civil list—might be reduced by one-half, with prodigious advantage. The army estimates for this year were greater than for the last; while the nation was fairly entitled to look for a considerable reduction. We were in the 11th year of peace: with a very fair prospect that peace would continue; for the greatest advantage which the country had derived from the services of the *rt. hon. gent. opposite* (Mr. Canning) was, that he had struggled to keep her out of the influence of that military alliance with which she was unfortunately connected; and yet we were keeping up a military force which was more than unnecessary—it was monstrously and ruinously extravagant. Those who fed upon that establishment—as upon others—those who participated in the spoil of the system, did not perceive any inconvenience in it. Our large establishments became at once a cause and an effect; they served to maintain a number of persons, who, in turn, maintained them. From the year 1785 to 1793, our whole army had never exceeded 36,000 men. Now, our officers alone, of the army and navy, mustered 27,000. All this expense was paid by the middle and lower classes of the community. The amount of taxes paid by the higher orders was nothing in comparison of that paid by the lower. The poor paid for these enormous establishments, by which the rich and powerful benefited. Upon a moderate calculation, the higher classes received more from the public purse, through the medium of pensions and employments, than the amount of the taxes which they paid into it. Would the house go on, in the present state of the country, to uphold a system which was as destructive as it was unconstitutional? Having said thus much to apologize for what he meant to say (laughter), he should now call the attention of the house more immediately to some circumstances of detail. The noble lord (Palmerston) thought it unnecessary or objectionable, to go back to the state of our affairs in 1792: but the committee appointed to inquire into the whole revenue and expenditure of the country had been of a different opinion. It was time to look back, and to recur to the better principles of other days: for the country was pouring in its petitions for relief, and the house would find those petitions every day increasing. How could this relief be given? In no way, but by a reduction of our expense. The interest of the public debt could not be abated—that was a course which no man would advocate—but the expense of our establishments might be reduced 12,000,000*l.* a year, without the smallest ill consequence or inconvenience. The only difference would be, that the noble lord (Palmerston), and many others about him, would find their incomes reduced one-half. The extravagant expenditure of the present period, as compared with that of the time gone by, was most alarming. In 1792, the whole expense of the army, including the force in Ireland, was 2,330,000*l.*; the ordnance amounted to 44,000*l.* for which department they

would this year be called on to vote 1,300,000*l.* and the navy was under 2,000,000*l.* sterling. The whole expense for those establishments did not, at that period, amount to more than 4,700,000*l.* But they now cost four times that sum. Here was ample room for retrenchment. This simple statement showed how easy it was, by pursuing an economical course, to place the country in that prosperous and commanding situation which it was quite impossible the British empire could attain, if the legislature sanctioned so wild and thoughtless a career of expenditure. The finance committee had taken a view of the military force maintained by the country from 1785 to 1792. During the whole of that period of peace, the average number of troops employed never exceeded 32,000 men. In 1786, 1787, and 1788, the number was 30,000; in 1792, it was 33,000 and no more. The disembodied militia consisted of about 34,000 men. But now the noble lord called for, nominally, 76,000 troops, but in reality for 86,000; for he had omitted the 10,000 officers who were employed, and who must, of course, be paid by the public. Taking into account the royal artillery, the marines, and every other species of troops, the total number in 1792 was about 53,000 men. But now parliament was called on to vote 86,764 men, besides the royal artillery, engineers, and horse artillery, consisting of 8446 men, and 9000 marines, who were available for the land service, forming a total of 104,000 regular troops, which the people were called on to maintain in this the 11th year of peace. This immense force was demanded, too, at the very period when they were told by his Majesty, in his speech to both houses of parliament, that every disposition to remain in a state of peace and amity with this country was manifested by all the neighbouring nations (hear, hear). Could any thing be pointed out in the present situation of Great Britain that demanded the keeping on foot of 104,000 military men? Besides this regular force, there were in England 55,000 militia, and 22,000 in Ireland, making a body of 77,000 men, which cost the country upwards of 150,000*l.* per annum. There were also 74,000 yeomanry maintained at an expense of 153,000*l.* a year. These were exclusive of the colonial corps, which were stationed at Ceylon, the Cape, &c. amounting to between 4000 and 5000 men. Taking these different bodies together, they gave a grand total of 259,000 men in arms, or ready to be called into service on any emergency. If from this gross amount they deducted the militia and regulars which were provided for in 1792, they would find an increase in the present, as compared with the former period, of 173,000 men. Surely this was wholly inconsistent with the recommendation of the finance committee in 1817 (hear). Let gentlemen consider who were the members of that committee. Among them were the late Lord Castlereagh, Mr. Banks, Mr. Tierney, Mr. Vansittart, (the then Chancellor of the Exchequer), Lord Binning, Sir J. Newport, Mr. Huskisson, Mr. Peel, Mr. F. Lewis, Mr. D. Giddy, Mr. Gough, and Sir Thomas Acland (laughter). If the house were at this moment called on to choose a set of men to give their opinion on the grave and important subject of national finance, he did not think they could select a body of individuals on whom greater reliance could be placed than on those who constituted this committee. They sat for nearly two years, and



produced no less than eleven comprehensive reports. They investigated the state of the army, the navy, the ordnance, and various other departments. They made inquiries relative to sinecure offices, and recommended the abolition of several, and, indeed, they took into consideration the entire expenditure of the country. There were two or three of those gentlemen who were at present connected with his Majesty's Government, and he called on them to look at those reports (the work of their own hands), and to confess how far their present proceedings fell short of what they recommended the house to do in 1817 (hear, hear). The following passage was contained in their second report:—"Your committee, in making a reference to the year 1792, desire to call the notice of the house to the low establishments of the latter part of that year, which were deemed sufficient for all national purposes at that time, in the contemplation of a long continuance of peace; and although many circumstances are materially changed by events which have subsequently taken place, so as to prevent any exact parallel from being drawn between the two cases, especially in the amount of pecuniary charge, yet they submit that as near an approximation to that low scale of establishment and expense as may be found consistent with our more extended possessions, and with the augmented rates of various fixed disbursements, would be highly advantageous in relieving the burdens and in supporting the public credit of the country" (hear, hear). Now, he wished to know whether the price of stores, and of various articles connected with their military establishment, had not been very much reduced? It could not be denied, that the price had fallen greatly; and therefore it was clear, that if the scale of their military establishment was placed on its proper footing, a great saving might be effected for the country. What had taken place since 1817, to prevent such a reduction from being made? Those who were members of the house at that period, must recollect the speech of the noble lord (Castlereagh) which he (Mr. Hume) had afterwards read, and which held out the most flattering hopes of a reduction of the national expenditure. The noble lord then observed, that the reduced establishment at which they had arrived, was not near so low as that which might be expected in the course of a few years. The committee went farther than the noble lord, and declared their firm opinion, that by an arrangement with respect to the half-pay, the country would, in a very few years, be relieved from a very large portion of the expense incurred by the military establishment. But it appeared that the house and the country were completely deceived. The pensions and every portion of the fixed establishment, instead of being decreased, had gone on progressively increasing (hear). He did not blame the noble lord opposite (Lord Palmerston) on account of these estimates. He was only the organ employed to lay them before the house; and the censure ought to fall, not on him, but on his Majesty's ministers, who agreed that so immense a force should be kept up. By subjecting the country now to such enormous expenses, they would be placed in this situation—that should war arrive, they would be unable to make those great exertions which they had done on other occasions. It had been stated, with very great truth, that it was only by the force of her financial exertions,

that this country had been able to struggle through the war, and to overcome the manifold difficulties which were opposed to her. It was therefore the duty of the house to watch over those finances with extreme jealousy; for it must be obvious to all, that if the Government went on crippling the resources of the empire as they were doing at present, England must cease to have that commanding influence as a nation, which she had so long and so justly possessed. The committee of 1817 stated, in their second report, that it was only by adhering to a rigid system of retrenchment and economy during peace, that this country would be enabled successfully to encounter a period of warfare, should circumstances render it necessary that recourse should be had to hostilities; and therefore they recommended the utmost economy in all disbursements of the public money, as essentially necessary to the substantial benefit of the country. Indeed, every part of the different reports of the committee was directed to the same object. In every sentence they pressed on the house as powerfully as they could, the necessity of bringing down the military establishment as nearly as possible to the standard of 1792. The noble lord had drawn the attention of the house to the estimate of last year; and his gallant friend (Col. Davies) had very properly observed, that it was not fair in the noble lord to confine his view to the last year's estimate, instead of going back to that period when the house peremptorily called on ministers to cut down the expenses of the country. This was done in 1821, when distress bore heavy on the country, as it did at present; though it did not weigh quite so heavy at this moment on the landed proprietors as he thought it would do in the course of a few months (hear, hear). At that period the noble member for Yorkshire (Lord Milton) gave the landed proprietors a little good advice, but they would not take it (hear); and they pursued the most absurd course that any set of men ever adopted (hear). When attempts were made at that time to bring down those establishments to their proper scale, the country gentlemen refused to give their assistance in effecting that desirable object. They voted for the continuance of those extravagant establishments; and then, with the most extraordinary inconsistency, they turned round, and called for the reduction of those very establishments in favour of which they had previously raised their voices (hear). The estimate which the noble lord now presented amounted exactly to within 41,000*l.* of that which he submitted to the house in 1821. The estimate for this year was 6,602,133*l.*; for 1821, it was 6,643,000*l.* On the 27th of June, in that year, the house addressed his Majesty, requesting him to cause every possible saving to be made in the public expenditure, so far as such retrenchment could be effected without detriment to the public service in the different establishments. The expenditure in the military department was particularly adverted to. He proposed a motion which, though in substance the same, would have expressed the determination of the house more decidedly; and although the late noble lord had declared, at the commencement of the session, that the service of the country could not go on if a single man were reduced, in a few months after the address to which he had alluded was voted, a reduction was effected in every department. He believed the retrenchment in the army, navy,



and ordnance, in the next year, amounted to 1,500,000*l.* In 1821, 81,000 men were called for; but in the next year after that address, there was a reduction of no less than 20,000 men; and the reduced number was found amply sufficient for carrying on the service of the country. In 1822 the military estimate was 6,103,000*l.*, a reduction of half a million having been made on the estimate of the preceding year. The house would, therefore, see the good which had been effected by the address that had been agreed to in 1821. In 1824, the number of troops was raised to 73,000, and, unfortunately, in 1825, that number was augmented to 86,433. If the same causes which then existed were in existence at present, then there might be some ground for retaining this immense establishment. The reason assigned at the time for the increase was, the situation of Ireland, and the state into which some of the colonies had been thrown by the proceedings of that house. But as to the troops that were intended to protect those colonies, he believed not one-fifth of the number ever went abroad. So that, in fact, it was an increase of the number of troops meant to be kept in this country. He could see no necessity for keeping up any such force when the country possessed so numerous a militia as he had stated. At the present moment there were 32,670 regular troops in Great Britain; and in Ireland there were 21,900. Where was the occasion for such a force, when it was known that during the period of peace, from 1785 to 1792, the number of troops in Great Britain never exceeded 17,000? Why should they now keep up a regular force beyond the number which was deemed sufficient in 1792? Two or three years ago, the Chancellor of the Exchequer had said something which sounded as if he thought that a great additional military force was necessary as a counterpoise to the daily increasing numbers and influence of the people; but if ministers laboured to place the country in a happy, quiet, and comfortable situation, by taking off the burdens which pressed upon every necessary of life, the people would be perfectly contented, and there would be no necessity for keeping up troops to overawe them (hear, hear). The grinding system of taxation was, however, still continued; and hence they were called on to vote a great military force, which some persons deemed necessary to keep down the people. The expense which was attendant on the support of such an establishment added to the general distress; and that which was intended to suppress discontent, tended in reality to generate it. He had, he thought, said enough to shew ministers the necessity which existed for following the recommendation of the finance committee of 1817. It was their duty to reduce taxation, and this undoubtedly they could do, without impairing the strength of their establishments. Impressed with these sentiments, he should move—"That, in the opinion of this committee, it is expedient, under the present circumstances of the country, to make a large reduction in the amount and extent of the military establishment, and to approximate it as soon and as nearly as possible to the establishment of 1792, as recommended, in the report of the finance committee of 1817, in the following words"—[Here the hon. member introduced the passage from the report which he had read in the course of his speech.]

Lord Palmerston said, that the hon. member

would not obtain much even if his amendment were carried. The object of his resolution was to pledge the house to approximate the estimates as nearly as possible to the military establishment of 1792, consistently with the extended nature of our possessions, and the scale of force which circumstances appeared to call for. The whole question resolved itself into this—whether, in point of fact, that approximation had or had not been made. In considering this point, the fair criterion to judge by was not the mere point which had been so much relied on by the hon. member—namely, that the country was now, as in 1792, in a state of profound peace—they must, in coming to a decision, look to the present circumstances of the country; and he had contended (how successfully the house would judge) that, considering those circumstances, the existing military establishment was not too great. If that argument were of any weight, if his reasoning were just and sound, then it followed that ministers had acquiesced in the recommendation contained in the resolution of the hon. member. The hon. member had made the report of the committee of 1817 a very convenient instrument of debate. He used it on all occasions, as best suited his purpose; and he (Lord Palmerston) recollected when he had not treated that committee with the same respect and deference which he seemed inclined to observe on the present occasion. If the hon. member would take the trouble of looking at what that committee had estimated as the probable prospective expense of the military department, he would find that the amount now called for fell considerably short of that estimate. In the report, 8,500,000*l.* was set forth as the prospective expense (hear), including 300,000*l.* for the expense of the militia. The hon. gent. had repeatedly stated that if his recommendations had been attended to as they ought to have been, that Government would by this time have reduced the expenses of all the establishments full one half. If the house would look at the whole of these estimates, they would soon discover that about one half of the charges were ascribable to the efficient part of the establishment; the other half to the liquidation of half-pay, pensions, and other charges, which were of a nature not in any way liable to reduction, even by the plan of the hon. gent. If, therefore, his design of a reduction of one-half were seriously entertained, he would cut off the whole of the efficient part of the establishment. The house would see how proper and accurate a guide they had for these proceedings in the hon. gent. Of course he was aware of the advantageous position in which the hon. member stood in addressing the house on this occasion. He had at his ready service the general topic of declamation as to the expediency of reducing the taxation of the country—the dangers of a standing army—the prevalence of a military spirit in the Government, and the burden of large and unnecessary establishments. But he appealed to the house, if Government had not since the peace, by repeated reductions of taxation, shewn an earnest desire to relieve the country from its burdens, and to put the establishments of the country on a reasonable and effective footing. As to displaying too much of a military spirit—a charge which had been repeatedly urged against the Government—for himself, and for those with whom he acted, he disclaimed



it. He was sensible that there was nothing so ill-judged and inconvenient for the Government, as well as grievous to the country, as large and unnecessary military establishments kept up in time of peace. It was not only bad economy as it regarded the public treasure, but it answered no purpose of political strength and security; and in a military sense, for the maintenance of an effective service and sound discipline, it was notoriously defective. He was no advocate for large military establishments in times of profound peace. He stood there only to advise with the house upon that establishment which he considered as the best suited to the dignity of the country, and the necessities of the empire. He would just give one instance of the effects of too rapid a reduction of our forces. In 1821, the Government, in compliance with the wishes of parliament, effected a considerable reduction of the establishment. What was the consequence? There immediately occurred an urgent necessity for a great increase in the colonial service. Great embarrassments were experienced by the Government, and at last, after trying for three or four years, they found it necessary to come to parliament for an augmentation of forces. Last year he had stated in his place, that this augmentation was not wanted for any purpose at home—not for coercing the population—not for oppressing Ireland, but for colonial purposes. On that ground, and on no other, he now asked for this vote. He had explained before, that the additional force was required for reliefs on foreign stations in the first place; in the second place, to form a reserve at home, from which reinforcements might be sent to distant places, without stripping the country of its ordinary portion of defence. The hon. gent. had said that he would be content if it could be shewn that the augmentation was employed to the purposes of the colonies; but the complaint of the hon. gent. was, that the increase of force at home was large, while it was inconsiderable in the colonies. But Government had used no unfair pretence about the employment of these troops, in 1825. Each regiment before that time went abroad in a body. By the new organization, out of each regiment of ten companies, four were left at home to recruit, and six went on foreign stations. He had formerly explained the advantages of modelling the army in that manner. The effect of this new organization was, that scarcely any but non-effectives were left at home, as these reserve companies consisted chiefly of recruits, invalids, and men who had come home for the purpose of being discharged. The augmentation then granted by parliament had fully answered the purpose, and had been applied as the Government had undertaken to apply it. He did not suppose that any gentleman would assume it as the ground of his argument, that the colonial service ought to be a perfect banishment of officers and men—that they should be compelled to pass the whole of their lives in tropical climes, or other places equally unfavourable to their health. Yet such was the effect of the former method. In the East Indies, there were eight regiments, which had been stationed there for 19 years, without relief. There was one regiment at Ceylon, and another at the Mauritius, which had not been home for 21 years. Nor had the Government been able yet to provide for their return, notwithstanding all their efforts to re-

lieve them. If the number of forces were to be diminished, if the vote now asked were not granted, that relief would be impossible. The tendency of such a resolution on the part of the house would be, to consign officers and men to a hopeless banishment, which in other countries was only resorted to as a punishment for the most culpable delinquents. He could not conceive how the hon. gent. could include the marines as a body applicable to the service of internal defence. To the same purpose of argument the hon. gent. had applied the disembodied militia, as well as 22,000 Irish militia; and which existed only in his own imagination,—the latter being a force which was not even enrolled. By the same enlarged optics, he had discovered an effective force of 74,000 volunteers. There was nothing in the argument of the hon. gent. to induce the house to adopt his resolution. The hon. gent. talked of assimilating this period to that of 1792. The house would see how improperly the comparison was drawn, by considering that a great portion of the charge arose from transactions in the late war, which had no reference to the expense of the effective forces applicable to the public service. For instance, in 1792, the expense for half-pay and annuities for past service, widows' pensions, and other charges of a similar nature, was in sum total 434,000*l.* The same expense last year, including Chelsea, was 2,803,000*l.*; so that at least 2,400,000*l.* of the present expenses, which would not be reduced, arose from the transactions in the late war.

Mr. Robertson thought that ministers did not know what they were about. They were opening our markets to a competition with foreign nations, who lived at less expense and could work cheaper than our own labourers; and they were, at the same time, raising the standard of the currency. If they persevered, fewer commodities would be consumed, while the weight of the public burdens would be grievously augmented. Government ought, therefore, to do every thing possible in the reduction of the establishments.

Mr. Hume would have been satisfied with the application of the new forces to the relief of foreign garrisons, but his complaint still was, that they were chiefly kept at home. It did not appear that any had been sent out since 1821. If Government were sincere, the increase would only have been made in available corps. But how stood the fact? The Life Guards were 785 men in 1792; they were now 1305. The increase of the regiments of cavalry was from 3037 to 7014. Were these additional cavalry wanted for the garrisons abroad? The Guards had been increased from 3572 to 5726—but they were never sent to the garrisons abroad. Why not reduce these 8000 additional men, of the most expensive class in the service, the cavalry in particular, which cost 74*l.* per man—infantry only 31*l.* The marines had been augmented since the peace by 3000 men, with the express purpose of making them efficient as a garrison force, and ought, therefore, to be reckoned with the others. The noble lord accused him of mistake and delusion in considering the militia as a part of the effective force. But if they were really ineffective, why keep them up at an expense of 150,000*l.* a year? Let the noble lord only guarantee to the house, that the half-pay should not be filled up again with young officers. But that charge



had actually been increasing every year since 1816; the country being now in the eleventh year of a peace! He advised ministers now to withdraw these estimates, to revise and reduce them to a state of more conformity with the reasonable expectations of the country.

Lord Palmerston again asserted that the 13,000 additional men granted last year, had been applied to the relief of foreign garrisons. The hon. gent was clearly in an error as to the actual state of the militia and volunteers, having mistaken the staff, consisting of non-commissioned officers, for the whole amount of force which would be on emergency drawn out into service. At present there was not a single private enrolled. As to the half-pay, there was an absolute reduction. In 1820 it was 840,000l.; this year it would be 707,000l.

The house then divided, when there appeared, For the original motion, 144—Mr. Hume's amendment, 45—Majority, 99.

Mr. Hume then objected to an additional grant for the yeomanry and volunteer establishment. He did not see the least necessity for a country enjoying a profound peace to be burdened with a yeomanry establishment, and he should propose its being abolished altogether.

Lord Althorpe contended that this additional grant was perfectly uncalled for, and was only entailing on the country a useless expense; he therefore proposed as an amendment to substitute the sum of 147,000l., the estimate for last year, instead of 156,271l., the sum which was now proposed.

Mr. Peel said that, as he understood the hon. member (Mr. Hume), his proposition was, that the volunteer establishment should be abolished. He begged to remind the hon. gent. of the remarks of the finance committee, whose labours were so fortunate as to meet with the approval of the hon. gent. The opinion of that committee was favourable to the volunteer system, and in that opinion he most cordially concurred. They had maintained the tranquillity of the country, and had not been employed to keep down the people, as had been so frequently stated by the hon. member. If the force were kept up—and he (Mr. Peel) was satisfied of their utility—it must be kept up at the expense of the Government, not of the individuals composing it. It had been found that when sent out on permanent duty, 5s. a-day was not enough to keep a man and his horse; he had, therefore, after diligently inquiring into the sum necessary for this purpose, proposed 7s. for each individual. It was not reasonable to expect persons who gave their time and their services should also be subjected to a positive expense. The horse tax, from which these people were relieved, was a sort of remuneration for their expenses; but gentlemen would recollect that the horse tax, which formerly was 2l. 6s., had first been lessened to 1l. 3s., and then abolished. The principal inducement, therefore, for men to become yeomen had been done away; and he thought some equivalent should be given them for the advantages they had derived from being exempted from the horse tax. It had been proposed to him to exempt them from serving certain offices, such as that of high constable and overseer, but he had always objected to this, because it might happen that only a few persons could be found capable of filling these offices; and if the yeomanry were exempted, proper persons might be found. The increase of expense arose from

this cause, as he had never encouraged any increase in the number of yeomanry. He was an advocate for calling them out once a year on permanent duty, and he had last year proposed a periodical inspection of them by cavalry officers. Such an inspection was actually made, by which he acquired a complete account in detail of the state of every corps, and the accounts he had received were in general satisfactory. It was his principle to call out the military in aid of the civil power as little as possible. It was more to the credit of the Government to preserve tranquillity by means of the civil power, than to have recourse to the military; and he believed the silent power exerted by the mere existence of the yeomanry, dispensed with calling out the military, when it was probable cases would arise to make it necessary. He did not say it to the discredit of the people of this country; but there were times when disturbances might be expected. Even within a few days an occurrence of this kind had taken place; and where distress was at any time severe, more than ordinary exertions might be necessary for the preservation of public tranquillity, not only for the sake of property, but for the sake of individuals themselves. In such cases, he thought the yeomanry were the best species of force which could be called out to assist the civil power.

Sir Robert Heron considered that every grant of money that went to the support of volunteer cavalry, was so much thrown away. He would ask the house what were these troops fit for? In cases of internal disturbances, they by no means were found to be fit persons to quell riot and disorder, and for this obvious reason—that their local connexion made them parties in every disturbance, and they were therefore unfitted to interpose between conflicting parties. The disturbances at Manchester afforded a strong instance of this. It was otherwise with the regular army.

Lord J. Russell objected to the existence of a volunteer establishment, for he believed in most instances it could be proved that volunteer corps were kept up for political purposes, and to gratify the party feelings of those by whom they were established. He contended that, constituted as volunteer corps were, they produced any thing but concord in the country, and he would much rather see the civil authorities called out in case of necessity, than have resort to the interference of those men who, from local feelings and connexions, were more likely to act from passion than otherwise. He therefore objected to any additional allowance, and moved, as an amendment, that 25,000l. be adopted in place of the sum proposed by the original resolution. Before he sat down, however, he (Lord J. Russell) was forced to say that he thought it extremely discreditable to the house, at a period of such general distress, to see the public money thus voted away without expressing its strong disapprobation. He had heard none but weak reasons for keeping up a military force while the country was in the enjoyment of a profound peace.

Sir R. Ferguson seconded the amendment. If yeomanry were to be kept up in the country, let them pay for their horses as heretofore. Public money should not be so disposed of. His noble friend (Lord Althorpe), instead of moving an amendment recommending so large a sum, should have moved that no money at all should be voted for the support of a yeomanry



establishment. Something which he had said on another occasion, had, he was told, given offence. He had said that the English cavalry was the best in Europe, but had disgraced themselves by wearing hair upon their lips (hear, and laughter). It was perfectly ridiculous to see a farmer's son, newly enlisted, and just imported from the country, strutting about the town with immense mustachios (loud laughter).

Mr. Benett conceived that it was impossible for a yeoman to pay his expenses out of 5s. a day; he thought that 7s. was not too much for man and horse. He had himself witnessed the exertions of yeomanry to keep the peace in times of disturbance, and he bore willing testimony to the prompt and efficient manner in which they acted. In fact, there was nothing military about them: they were merely armed constables, and he had seen them on several occasions suppress very dangerous riots, without so much as presenting a pistol or drawing a sword.

Mr. Wynn defended the yeomanry force as a useful constitutional body; and even in the affair of Manchester, in which they had been so much censured, he thought their conduct in many points justifiable.

Lord Althorpe approved of the yeomanry system, because it brought the gentry and the farmer together; but he strongly objected to permanent duty.

Sir H. Vivian bore testimony to the merits of the yeomanry, and approved of their constant inspection by cavalry officers.

Mr. Brougham said, that after having voted such an immense standing army during a time of profound peace, there could be no real necessity for the expense of this auxiliary force.

Mr. Hobhouse said, that on the report on Monday he would propose a reduction of this estimate by some definite number, as he thought so large an expenditure in time of peace unjustifiable.

Sir F. Burdett wished to protect himself against being supposed to participate in the views of his hon. friends, who thought that the interference of a standing army with the civil power was preferable, in a constitutional point of view, to that of a yeomanry force. He could speak of that which was organized in the counties of Wilts and Berks, in which he chiefly resided, as being composed of a very respectable body of volunteers, who would, he believed, if called out in a time of invasion, or under any circumstances, do credit to their country (hear, hear). He objected, however, to the principle of permanent duty, inasmuch as it tended to destroy the real yeomanry force of a country, by assimilating them too much to a standing army. With respect to that unfortunate massacre at Manchester, he must say that it was not perpetrated by what he would call a yeomanry force, but by a body of armed partisans most improperly brought into action, against a defenceless and unarmed populace, against whom these armed persons were at the moment in a high state of excitement. Though he objected to the permanent duty, and wished as much as possible to diminish the expenditure of the country, there was no part of it he thought so little objectionable as this for the yeomanry.

Mr. Peel explained that the permanent duty was not imposed on the corps by authority, but

was made matter of arrangement at their own option.

Lord J. Russell said he would not divide the committee on his amendment, as some of his hon. friends entertained different opinions on the subject.

The two amendments were then put and negatived, and the original resolution carried.

MONDAY, MARCH 6.—On the motion in a committee of supply, for granting 13,135l. 11s. 10d. for the charges of the Royal Military College,

Mr. Hume asked whether all the young men educated at the establishment obtained commissions?

Lord Palmerston said that the number of students furnished with cadetships during the last two years was 113. Of these 46 were by purchase, and 67 by gift.

Mr. Hume objected to the appointment of new officers in the present distressed state of the country, whilst there were many meritorious officers on half-pay who would be glad to obtain employment. He also objected to the high salaries which the staff officers of the college received.

Lord Palmerston said, it was necessary that officers, to be of service to their country, should be well educated. It was also necessary that the instructors should be paid for their trouble. All the young men who had entered the service from the college had distinguished themselves—a proof that the expense of the establishment had not been thrown away.

Mr. Hume thought that persons who were desirous of filling any situation ought to qualify themselves for it. He objected to the sons of gentlemen being educated at the public expense. He wished to know how many days during the last year, the governor of the college, whose salary was 1500l. per annum, had attended at the institution.

Sir A. Hope said, that he was the governor of the college. He obtained leave of absence for two months, during the last year, upon urgent private business; but his attention was not withdrawn from the establishment. The situation was an arduous one; and, so far from being an object of desire, that he had resigned it for the situation which he formerly held, the salary of which was only 400l. He now only continued in the situation until Sir E. Paget, who was in future to fill it, should arrive in this country. The salary was not too much, considering the liberal conduct which the governor was compelled to display towards foreigners visiting the college, and to the society in the neighbourhood. He had held the situation for ten years, but had not grown sixpence richer in consequence; on the contrary, he was made a great deal poorer by holding it (hear, hear). The expense of the establishment had been reduced from 33,000 to 13,000l. and the number of pupils from 400 to 200. He (Sir A. Hope) begged that hon. gentlemen would consider what this establishment was: it afforded a general education upon almost all subjects—classics, languages, mathematics, drawing, fortification—in short, every manly accomplishment. If German was thought unnecessary, the establishment might be diminished to that extent; if classics were deemed superfluous, it admitted of further reduction. But the establishment had been maturely con-



sidered by Government, and was thought to be not too extensive. Independent of matters relating to the military profession, our officers should be possessed of every accomplishment (hear)—historical knowledge and classical knowledge. Rewards should excite emulation. On this principle depended the whole expense of the establishment. With this sum of 13,000*l.* a-year, were to be educated the staff officers of all our army. The establishment had 15 officers studying staff duties, whom it sent out, but not until they had practically made the survey of a line of country, and their work was minutely and accurately examined; of these from seven to nine were annually sent forth to fill their stations in society, and such as were not efficient, were not allowed to pass their examination. During preceding wars, we had to look abroad for persons duly qualified to fill the important office of the quarter-master-general's department; but in the last war, the college at Sandhurst supplied persons so well qualified for all the duties of that service, that we had no occasion to look abroad for assistance.

Colonel Davies remarked, that the expense of the American army was only 500,000*l.*, whilst that of ours was 6,000,000*l.* The hon. member complained of the large and expensive staff maintained to superintend the education of 216 young men.

Sir H. Hardinge said that if the hon. member (Colonel Davies) had looked into the papers which had been laid before Congress in regard to the American army, he would find that they had 268 cadets, who cost more than he was aware of. There was an estimate before Congress for horses, which we never thought of. There were always more cadets at West Point than at our college.

Mr Hume contended that if the hon. member who was governor of the college (Sir A Hope), was right in his argument, the principle should be applied to all persons under Government. (hear). We should have our ambassadors sent to school, and dancing masters as well as other teachers, provided for them (hear and a laugh). We had to pay 300,000*l.* to support our ambassadors, and lamentably did they figure when they had any thing to do (a laugh, and "hear," from Mr. C. W. Wynn). The right hon. gent. might know more of the matter than he (Mr. Hume), who knew nothing of them but what came before the public. He would ask the Chancellor of the Exchequer whether 24,000*l.* (the amount of the pay and subscriptions of the cadets and others) was not enough for the college? The Government had no right to teach at the public expense what these persons could learn at other seminaries. If they were to be taught every thing at the college, why not teach them their letters? Here were three French masters, two German masters, three masters of history and classics, and a drawing master: he contended that these nine masters should be dispensed with, or that the pupils should pay them themselves. Here were 6000*l.* for teachers, and 6160*l.* for the military staff, making upwards of 12,000*l.* for the education of 216 young men. The hon. and gallant officer (Sir H Hardinge) said that there were no horses here as in America; but was there not a riding establishment sufficient to teach the whole army? He (Mr. Hume) contended that the country could not afford to pay 1500*l.* to a governor, as well as 1095*l.* to a lieutenant-go-

vernor; and that the military pay of the students was sufficient to defray the whole expense of the establishment. The hon. member then proposed, as an amendment, to reduce the vote 3000*l.*, making the sum voted for the whole expense of the college 10,135*l.*

Sir R. Hussey Vivian observed, that the hon. gent. (Mr. Hume) seemed to think, that because a school was wanted for ambassadors, none was necessary for the army. He considered the estimate as not beyond the amount required.

Mr. Monck thought that much of the charge might be dispensed with. There was no more reason why these gentlemen should be educated at the public expense than others; and where were we to stop? If we were to have a metallic currency, and low prices, we ought to have low taxes.

General Gascoyne observed, that the hon. member (Mr. Hume) had recommended that persons educated at the college should pay the expense out of their own pocket, except officer's sons, who should be educated at the public expense. Now the case was exactly so: where the individuals were not officer's sons, they paid for their education.

Sir J. Yorke remarked, that if the charge of defraying the expenses of this college were taken from the public, it would become a mere private establishment; a result every man must deprecate who knew the general state of our public schools. Noblemen's and gentlemen's sons came away from those schools without learning any thing but extravagance and swindling (hear, and a laugh). If the hon. member took the charge of education from the public, he would increase the number of thick skulls and hard hearts amongst students.

Mr. Hume replied, that his object was not to allow the sons of officers to be educated at the public expense. He would take the gallant admiral as an instance; he was satisfied the gallant admiral would not grudge to pay 12*l.* per annum for his son's education. With respect to his animadversions upon schools, he wished the gallant admiral had stated what school he meant—whether Eton, Harrow, or what other (no, no). He (Mr. Hume) believed, that the college was a good school, but he thought that the public ought not to be forced to pay for the education of other persons (a laugh). It was a fact, the many paid for the education of the few; and he thought it hard that the people of England should be taxed to educate the children of the rich. He objected to the extravagant rate at which the military superintendents were paid, and it was from that part of the estimate he wished the 3000*l.* to be taken.

Lord Palmerston thought, that great misunderstanding prevailed upon the subject of this vote. Take all the seminaries of the country together, and it would not be found that such an education as was given at the military college could be obtained elsewhere at as cheap a rate. It had been objected that the cadets should pay the expense of their own education; and so they did in part. But there were some of distinguished officers who could not pay the whole expense of their education; and would the hon. member exclude them from rising to the height of their profession? So long as we had an army, the officers should be well educated. We had a naval academy—

Mr. Hume.—At half the expense (hear).



Lord Palmerston continued.—In other departments—the East Indian for example—provision was made for the education of officers.

Mr. Hume still contended that the charge was unexampled. At Woolwich, there were 200 pupils; and one lieutenant-governor, at 400*l.* a year, did the whole inspection. At Sandhurst, there were 195 pupils, and there was a lieutenant-governor at 1000*l.* a year, and a governor at 1500*l.* He protested against the weavers at Bolton or Glasgow being called upon to pay for the education of gentlemen's sons; and next year, if he were in the house, he would object to the vote altogether.

Sir H. Hardinge stated, that at Woolwich there were, independent of the business of the academy, several officers of rank on duty; and their presence rendered appointments unnecessary which it was absolutely requisite to make at Sandhurst.

The house then divided, when the numbers were—For the grant, 87—Against it, 22—Majority, 65.

On the house resuming, a grant of 35,498*l.* was proposed for garrisons at home and abroad.

Mr. Hume objected that, in a variety of cases, governors, and lieutenant-governors were kept up whose appointments were merely nominal. Some never resided at all; and in many places the garrisons were only kept up for the purpose of placing a certain number of sinecures at the disposal of Government.

Lord Palmerston said, that many of the posts were not sinecures; and that such as were, were rewards given to meritorious officers for services which they had performed.

Mr. Hume wished to know why Fort Augustus and Fort William—two places which the Military Commission had recommended for reduction—were not given up? and why there was an increase in the estimate for them for the present year? He understood that they were still maintained at the desire of the Duke of Wellington.

Lord Palmerston said, that if they had been demolished, of course the officers attached to them would have retained their pay during life; so that nothing would have been gained. The trifling increase in the estimate arose from some addition of pay given to non-commissioned officers. Really, the question came shortly to this—whether the Crown ought or ought not to have it in its power to reward long services?

Mr. Hume was afraid that the favoured officers, and those of influence, got more of this toward than the meritorious ones.

Lord John Russell said that he had changed his opinion since the last year upon this point, and could not vote with his hon. friend (Mr. Hume). He thought that the Crown ought to have the power of providing for officers; and that a place was better than a pension, because there was something of honour attached to it. Still he could not understand why Fort Augustus and Fort William had not been demolished. He believed they were known to be of no utility.

Sir H. Hardinge said, that the military commission had certainly thought this; but that since the Caledonian canal had been constructed, one of these forts stood at the very entrance of it. And if it were not for this fort, any privateer with a couple of guns might come up to the lock gates and blow them off, which would do very serious mischief. As for the other fort, it was used as a barrack, and a barrack was

wanted in that part of the country. Besides, he believed that the maintenance of these forts was part of the act of union with Scotland.

Mr. Hume believed that they had been both built considerably subsequent to the union with Scotland; and besides, the act of union was violated every day. As for the privateers, if there was any thing in that objection, it came to this—that, after paying 1,000,000*l.* of money to make a useless canal, we were to pay 1000*l.* a-year to defend it. The hon. member then proceeded to take a review of the remaining garrisons and stations. Canada was costing us a great deal of money; and the inhabitants, if they could be allowed to choose their own laws, would be happy to bear all their own expense. The garrisons in the West Indies were costly, and might, many of them, under proper management, be dispensed with. There was 1500*l.* a-year for Gibraltar, of which the country ought not to vote a shilling while the King put the surplus revenue of the place in his own pocket. For the Cape of Good Hope—if it were only under a proper governor, and relieved from Lord Charles Somerset, whom all the world detested—(murmurs)—why, he protested he had never heard any person speak of that officer in any other way—

Sir A. Hope said that there were accusations pending against Lord Charles Somerset; and, as a member of that house, he was compelled to request that the hon. member would not prejudice the case.

Mr. Hume:—Then how was it that the conduct of any public officer was to be taken notice of? The house had been led to suppose that Lord Charles Somerset would have been home by this time. Why was he not so?—Why, but because he did not choose to come to answer the charges against him. He said again—give the Cape a governor who satisfied the people, and the colony would pay all its own expenses. It was contrary to sense and reason to retain any man as governor of a place, who was disliked by every person in it.

The Chancellor of the Exchequer thought the hon. member misunderstood the grounds on which his hon. friend near him had risen to order. It was not because the hon. member was bringing charges, but because he was using unguarded expressions. The whole argument, however, of the hon. gentleman was foreign to the purpose, because not a halfpenny of the Governor of the Cape's salary was paid out of the present vote.

Mr. Hume said, that his argument was quite to the purpose. He said, that if the Cape had another governor, it might be made to pay all its own expenses. In saying that Lord C. Somerset was detested by every body, he meant every body at the Cape; and, as far his knowledge went, it was so (cries of order).

The Attorney-General.—A man under accusation!

Mr. Hume.—Under accusation! Why, that was just what he said—under serious accusations—for which he ought to be brought to justice (order, order).

Mr. W. Horton said, that the hon. member really seemed to have constituents in the colonies as well as in Aberdeen (laughter). His statement that the people at the Cape would be willing to pay their own expenses if Lord Charles Somerset was removed was quite incorrect: and when he talked of "bringing to justice"—was it right, or usual for a public offi-



cer to be spoken of in that way? So in Canada, he believed the hon. gent. would find it difficult to prove that the inhabitants would be happy to maintain themselves. If we were to have colonies, we must pay for them; and, if the hon. member thought that we ought not to have them, why did he not bring forward the question fairly? Lord Charles Somerset could not return to England until his successor arrived at the Cape; and the earliest means had been taken to send out a proper officer.

Col. *Davies* declared that there was too much of jobbing altogether in the colonial system. He believed that the Cape, under the Dutch, had paid its own expenses (cries of no).

Mr. *S. Rice* eulogized the character of the officer who had been sent out to relieve Lord Charles Somerset.

Mr. *Hume* said that the hon. member might as well have eulogized the character of *Pe-regrine Pickle* (laughter). What had that officer's character to do with the present question? In a time like this, every shilling that could be saved ought to be saved; but, looking to this estimate, the public would perceive that ministers appeared to have formed a very different opinion. The present vote, as it respected the colonies, was extremely unjust on this country. He should therefore move, that the resolution now before the house be reduced by the deduction of the sum of 5900*l.* being the charge for Canada, Gibraltar, and the Cape of Good Hope.

Mr. *Wilmot Horton* shortly defended the propriety of the vote. It was very true that the power of taxation, to meet the expense of the garrison, and every other expense, with respect to the Cape of Good Hope, rested with the Government. The question then, was, whether the colony was able to support the necessary expense. There was nothing analogous between the situation of the Cape of Good Hope and that of Jamaica. The hon. member had talked of introducing British laws, and even the British language, in the former place. But it was deceiving the house to say that such objects could be effected in so easy a manner. Every thing possible had been done for the amelioration of that colony.

Sir *R. Wilson* said, that when he was at the Cape of Good Hope, a Dutch officer, who had been Governor there, informed him, that he had been always able to levy sufficient in the colony for the maintenance of the garrison, &c., without calling for a shilling from the mother country. He (Sir *R. Wilson*) did not understand why that was no longer the case.

The committee then divided, when there appeared—For the Amendment, 21—Against it, 116—Majority, 95.

On the motion that 107,296*l.* be granted for half-pay and reduced allowances to officers of disbanded foreign corps, for pensions to wounded foreign officers, and for allowances to the widows and children of deceased foreign officers, for the year 1826,

Mr. *Hume* inquired whether those foreign officers were allowed to sell their half pay?

Lord *Palmerston* answered that they were, on the same principle as officers on the British half-pay were allowed to sell, with this difference—that the allowance to the foreign half-pay officers was not so great as that granted to the British half-pay officer. Very few of the foreign half-pay officers had availed themselves of this permission.

Mr. *Hume* said, this portion of the half-pay diminished very slowly. In 1817, the charge was 135,000*l.* and now it was 107,000*l.*; from this he inferred that as younger officers would buy the half-pay of older officers, the charge would be perpetual.

Lord *Palmerston* said, the hon. member had adopted a mistaken view of this matter. The half-pay was by no means a perpetual arrangement, as he seemed to suppose; nor were the individuals who remained on the list a whit more immortal than those who sold out. The advantage of the system was this, that those foreign half-pay officers formed a class of men who could not be employed, without a special act of parliament; but, by allowing them to sell out, instead of supporting a body of officers from whom we could derive no service, we procured the assistance of British officers, whose services were at once available. The arrangement was most advantageous to the country, and to the persons immediately concerned, by giving a scope to the preferment of meritorious officers. Since the peace, officers were growing grey in the service, who, in consequence of this arrangement, were enabled to get forward.

Mr. *Hume* denied that this arrangement was at all beneficial to the public. The half-pay officers formed a very large class at present; and instead of being promoted as vacancies occurred, other persons were selected. There were on half-pay, 7892 lieutenants, 3198 captains, 995 majors, 901 colonels, and 603 field marshals and generals. So far from giving facility to the employment of those individuals, they were really adding to the pension list of the country, without doing any benefit whatever. He did not mean to oppose this vote, although, in some respects, it was evidently objectionable. Here were foreigners placed on half-pay, although some of them, perhaps, had not served for a day. They were afterwards suffered to take advantage of their situation, and to sell out—a system which appeared to him to be most objectionable.

Lord *Palmerston* said, the hon. member was mistaken with respect to some of those individuals, whom he supposed to have been placed on half-pay. Some ensigns had been gazetted, but they were not placed on half-pay. No foreign officer under the rank of a captain was permitted to sell.

The resolution was then agreed to.

The next resolution was for 49,271*l.*: an account of the in-pensioners of Chelsea Hospital 34,323*l.* and of the Royal Hospital, near Kilmalham, Dublin, 14,947*l.*

Mr. *Hume* inquired whether there was any intention of dismantling Kilmalham Hospital? The expense of keeping it up was out of all proportion to the number of individuals supported on that establishment. He wished to see that branch of the Irish expenditure consolidated with the same branch in this country.

Sir *C. Long* said, he doubted whether it was practicable, with any benefit to the country, to adopt the proposition of the hon. member. The Government was obliged in some shape or other, to keep up an establishment similar to Kilmalham Hospital, and he did not think that any saving could be effected by the proposed alteration.

Mr. *Hume* said, the majority of the persons supported at Kilmalham Hospital would, tomorrow, receive, with pleasure, one half of the amount which was at present expended in keep-



ing up that large building. They would, by such a change, be enabled to live far more comfortably. When the comfort of the individuals and the saving of so much money were taken into consideration, he contended that the hospital ought to be given up.

Sir G. Murray said, most of the pensioners were natives of Ireland; and it was only proper that old soldiers should have a refuge and a resting place in their own country.

The motion was then agreed to.

The next resolution was for the sum of 1,285,566*l.* for the charge of the out-pensioners of Chelsea Hospital for the year 1826.

Mr. Hume said there was no man more anxious than he was to provide for those individuals who had served their country in the field; but he could not conceive why this expense should go on increasing. In 1821, the sum charged was 940,000*l.*; in 1822, 966,000*l.*; in 1823, 1,224,000*l.*; in 1824, 1,229,000*l.*; in 1825, 1,240,000*l.*; and now it was 1,285,000*l.* The increase since 1822 was 319,000*l.*; and he should like to know what reason could be assigned for it.

Lord Palmerston said this charge depended on contingencies, which must, of necessity, increase it sometimes, and decrease it at others. All that the proper authorities could do, or had to do, was to see that those who applied for the pension established their right to it. Of course it must be difficult for him to explain the particular casualties which had occasioned the necessity for this change. The large amount of the army in the late war might easily be supposed to furnish an increase under this head of expense, which would not be very speedily subjected to reduction. It was clear that many who had served with honour in the war, and had spent the vigour of their lives in the service of their country, must have since become chargeable on this fund. Many years after the war, therefore, it might as it did happen, that the casualties resulting from the former state of the army, would, under this head of charge, be greater than any amount arising from new cases. But he felt sure that the small pittances granted to the sufferings and infirmities of those brave men who had lost their health and strength in the service, would not be grudged them by the country. On the contrary, of all efforts of financial economy, the savings from that source would afford to the country at large the least possible pleasure.

Mr. Hume wished to know what must be the result if all the charges increased in this proportion. After the great reduction of the army in 1816, when the amount of the half-pay did not much exceed 400,000*l.*, the finance committee directed the house to look for a considerable decrease on this head of expense. Instead of which, it increased up to the year 1822, in the following amounts:—In 1817, it was 647,000*l.*; in 1818, 651,000*l.*; in 1819, 737,000*l.*; in 1820, 783,000*l.*; in 1821, 765,000*l.*; in 1822, 818,965*l.* So that after 10 years from the peace, this charge had increased upon the country upwards of 300,000*l.* To refuse the vote was out of his power. But he protested against the conclusion, that this was the result of a fair and proper calculation. He advised not only the house, but the Government to look to it, especially the Chancellor of the Exchequer, who might have difficulty in providing for all these charges.

Sir C. Long said, that the hon. member (Mr. Hume) had not taken notice of the fact that

in 1822, the out-pensioners of Kilmmainham had been incorporated with those of Chelsea. He admitted, however, he had looked for a diminution under this head; but instead of it he was surprised by an increase. He had also found the utmost difficulty in accounting for it. He knew that it could be accounted for in part by the reduction of veteran battalions, and in part also by the recalling of troops from the East and West Indies. But these two modes were not enough to account for a gradual and progressive increase. He had sent persons into various parts of England to detect fraud and imposition if they existed among the pensioners in England. No frauds or impositions were detected. He had sent parties into Ireland upon the same errand. As yet he had no satisfactory returns. He could not say where the fault lay. Certainly the Government was not blameable. They could not refuse the pensions. He, however, attributed the bulk of the evil to the service pensions. The act which gave that right was passed (he spoke it with due respect for all concerned) as a party measure. A great deal of alarm existed at the time, and the enthusiasm of Mr. Wyndham had acted but too sensibly on the house. Pensions for wounds could be open to no objection, nor could those for any serious detriment to or loss of health; but the chief amount here arose from the charge of service pensions. Certainly the house would never have assented to that act if it could have had the least idea of the consequences. He himself had opposed it at the time. The Government had done the best they could with it of late. Though bound to keep faith with the soldiers who enlisted under the authority of Mr. Wyndham's act, steps had been taken to prevent the evil in future. Service pensions now depended on 20 years' service, and had done so ever since 1822. But those who had enlisted before, under the sanction of the act of Mr. Wyndham, could claim pensions for short periods of service. The consequence was, that they were paying them to men of 30 years of age in full health, active, and fit for hard service. It was useless to object; the pensions could not be reduced. Government had done much to prevent the recurrence, but they must, to a certain extent, observe the law as it now existed.

Sir A. Hope had only one remark to urge in reply to the hon. member (Mr. Hume), as to his charge against the Government for an increase in the half-pay till 1821. The first reduction of the army was in 1816, when there were 1800 or 1900 officers reduced. In the year 1817 there was another small reduction, which, like that of the foregoing year, took place after the estimates for the season were before the house. In 1818 there were nearly 2000 officers reduced; a few hundreds were reduced in 1819; and in 1821, the year of which the hon. gent. particularly complained, there were 1000 officers reduced. So that there were no less than 2000 officers reduced after the year 1816, which would account for the increase of half-pay spoken of by the hon. gentleman.

Mr. Hume was still surprised, after what was contained in the report of the committee of finance, that there should be an increase up to 800,000*l.* on this head of expenditure.

Lord Palmerston said, the hon. gent. was mistaken in supposing that there was an increase in the present year. The half-pay in 1821 was 838,000*l.*; in 1822 it was 870,000*l.*; this year it was 770,000*l.* being 100,000*l.* less in comparison



of the year 1822 with 1826. He commended the plan of promotion adopted by the Commander-in-Chief; and he was convinced that the selection of the list of officers for the last augmentation would be most satisfactory to the house. The senior lieutenants and second senior lieutenants were all of 17 years' standing as lieutenants, with the exception of one officer, who was the only one left in his regiment after the battle of Waterloo. Of the majors who had been promoted, without purchase, from being captains, there were 22, who were all of 17 years' standing as regimental captains. Sixteen officers of 28 years' standing, as majors, had been promoted in the same liberal manner. It was impossible that any better mode could be taken as it regarded the charge of the half-pay. No improper application of the half-pay list could be made.

The resolution was then agreed to.

The next vote was for 25,543*l.* for the Royal Military Asylum.

Mr. *Hume* protested against the grant, and contended that they ought to leave the children to their parents. They might as well have an asylum for 50,000 children. If ministers were sincere in their professions to act on principle, they would certainly do away with this charge.

Resolution agreed to.

The next resolution was for 142,039*l.* for widows' pensions.

Mr. *Hume* wanted to know whether there was any rule for granting these pensions, which, like those of the officers, were in a continual course of increase.

Lord *Palmerston* answered that the pensions were granted by fixed rules, under warrants bearing the sign manual. The widows of half-pay officers were as eligible as those of officers dying in full pay; so that the casualties rather tended to an increase.

Mr. *Hume* asked if there was any restraint on the King for granting these pensions?

Lord *Palmerston* said, that the question had been agitated before in the house, but the general feeling was against any inquiry, as it was understood that no objection could be satisfactorily taken to these allowances.

The next resolution was for granting 190,798*l.* for the compassionate list, county warrants, and pensions for wounds.

Mr. *Hume* again complained of the increase.

Lord *Palmerston* regretted that there should be an increase; but as the allowances were for cases of real suffering, he should regret it much more if the means were found to be defective.

Mr. *Hume* put a question as to the retention of the office of Vice-Treasurer in Ireland, which he considered useless since the act for assimilating the currency of the two countries.

Lord *Palmerston* said that the office was just as much required as before the act.

Mr. *Hume* thought that it was now the most idle and useless office under the Crown.

The Chairman put the question for reporting to the house.

Mr. *H. Gurney* rose to take notice of some hardships which had occurred to a person of unquestionably good character, whose father had been connected with the army in 1797, and who was now called upon to answer, by the commissioners of accounts, in matters for which he had none of the papers necessary to his justification.

Lord *Palmerston* said, that no person had been called on by his office who was not liable

to pay, and Government could not always make up their accounts immediately.

On the motion for granting 23,683*l.* for the veteran service for Great Britain and Ireland,

Mr. *Hume* had seen veteran corps continually raised and disbanded without any reason. He desired to know if those corps were to be kept up or not? Their maintenance caused, in his opinion, a very useless expense. He had known 143 officers from half-pay put into veteran corps, and, after a service of six or eight months, they had retired from those corps enjoying their original half-pay, together with half-pay from the veteran service. He wished to ask the noble lord if this system was still to be continued?

Lord *Palmerston* replied, that all officers who had previously enjoyed half-pay in other regiments, were clearly entitled to the addition of half-pay from the veteran service, provided they were duly enrolled.

### *Ordnance Estimates.*

Sir *H. Hardinge*, in proposing the estimates for the ordnance department, informed the committee, that three or four departments had been consolidated for the purpose of being under the control of one responsible board, the members of which could have the best means of forming a correct opinion on the subjects laid before them. Another advantage was, that several expences which were before scattered in different estimates, were now brought under one head. Among the ordnance supplies was now to be found a naval vote. During the whole of the last century, it had been the custom to insert the naval vote among the navy estimates; but, as the particular subjects of this vote (the ammunition and arms) were supplied by the ordnance department, it was now thought better to introduce them among the expences of that department to which they more properly belonged. The sum required for this particular item, in this year, amounted to 98,133*l.* In the last year, the sum required was only 94,250*l.*, making an increase for this year of 3,883*l.* The whole sum required was 1,754,403*l.*, which only exceeded the vote for last year by the sum of 55,140*l.*; but as the estimate of this year was credited by an increased sum of 96451*l.*, the real increase in the sum required was only 45,493*l.* The sum now required was smaller than any other that had been required for the last thirty years, excepting only the year 1825. A sum of more than 22,000*l.* had been added to these expences by the necessary augmentation of a regiment of artillery; the augmentation having taken place, not in officers, not in the riding corps, but in the marching artillery, which was liable to colonial service. The number of companies had been increased. Each company consisted of seventy men, and we had formerly what was called a driving corps. In the year 1811, we had 400 drivers, who were now incorporated in the marching artillery gunners and drivers. This increase was not owing to any anticipation of an interruption to our foreign or domestic tranquillity, but was occasioned by the inadequacy of the present artillery corps for the demands of the colonial service. The artillery regiments, in fact, had been so reduced, as to be disproportioned to the other branches of the army, and to be rendered in-



adequate to perform the duties required from them. The increase was, therefore, only the result of the absolute necessity of the case, the artillery having actually been diminished below its proper standard. This, however, had been done at the recommendation of the house, which, after having been fully tried, was found to be attended with such inconveniences as to render it impossible to be continued. He had no doubt that the house would concur with him, when he stated that the present moment was the last the ministry would have chosen to require an increase in the military establishments of this country, unless they had been compelled to do so by absolute necessity (hear, hear). In consequence of the number of men required for the colonial service, and the number required to carry on the system of reliefs, the present number of companies had been found insufficient, no less than 500 men having been invalided this year. Perhaps one hon. member (Mr. Hume) might ask why the same system which had been carried on for the last three years, could not be continued during the present year? The answer was this, that the companies then sent out consisted principally of well-formed soldiers, who had been some time in the service, and who might therefore be considered to have been hardened to the duties they were required to perform. These men were now entitled to return, and those sent out to supply their places were mostly recruits, who would not be so well able to endure the change of climate, and the other consequences of the service. It had, therefore, been at first thought proper to ask that the number of men in a company should be increased from seventy to eighty; but, on account of the present difficulties of the country, that design was abandoned, although, undoubtedly, such an increase would be required next year. Originally, the proportion of artillery-men to soldiers of the line was as one to nine, but now that proportion did not exceed one to fifteen. The proportions of dismissals were these—four out of five artillerymen were dismissed, and the fifth was kept up; while, in the line, two out of three were dismissed, and the third was kept up. The proportion of artillerymen had been lowered since the peace beyond that of any other men in the service. The present measure was, therefore, one of absolute necessity; and he hoped it would not be received with the worse grace, because it happened to be made at a most unfortunate period. He wished to add, that the augmentation of the companies had taken place without any augmentation of officers. He would now refer to the item of cadets. The number of cadets at Woolwich was 146, in the year 1821; they now only amounted to 40; but in the estimate they were stated at 80, because it was supposed that the artillery corps could not be supplied with skilful officers, unless that number of students was kept up, and it was therefore necessary to provide the means of maintaining that number. The extraordinaries formed but a small item in the present estimates; and a sum of 16,919*l.* out of those to be voted for Ireland, was attributable partly to the expences of the Irish Survey, and partly to the difference occasioned by the payments being made in British instead of Irish currency, and also to some expences incurred in repairs. Perhaps he ought to take this opportunity of saying, that the Irish Survey was now in a state of great progress. It was going on as rapidly as such a

work could be carried forward. The soldiers of the Sappers and Miners were employed upon it, and by that means much labour and expence had been saved to the country. The Irish country gentlemen had called for the Survey, which they expected would be productive of the greatest benefit. Maps had been drawn, allowing six inches for a mile as the scale of measurement, in order to afford the fullest means of information on the subject. The barracks were the next items to which he wished to call the attention of the house. The sum required for the barracks in England was 165,087*l.*; in Ireland, it was 135,703*l.*; the expence in Ireland being 6,898*l.* less than last year. The increase in England was caused principally by the alterations which had lately taken place in the King's Mews, and which amounted to 25,000*l.* The barracks had been removed from the front to the rear of the King's Mews, in order to make way for the new buildings intended to form the front of that place. The subject of those alterations having been discussed in 1824 and in 1825, he should not now stay to enter into any explanation with regard to them. There had been a great diminution of our barrack accommodation in this country. The number of men formerly capable of being accommodated in barracks amounted to 170,000 in England, and to 80,000 in Ireland, making a total of 250,000 men. At present, barrack accommodation could only be afforded to 76,000 men in England, and to 42,000 in Ireland, and this reduction had taken place since the peace. In the military store branch, there was a diminution of 11,309*l.*; and he begged to observe, that the military and civil stores had been divided into two branches, in order to meet the suggestions of the hon. member (Mr. Hume). The last item to which he should now refer, was that for the repairs of military works and buildings, some of which were to be pulled down. These were the results of our military establishments abroad, where the buildings were under the direction of men of science, who, after having inspected our barracks and our hospitals, and having taken the opinions of skilful men on the spot, had come to the determination to demolish some of these places. Others had, perhaps, been originally built only for temporary purposes, and, if they were to be continued, must be strengthened and repaired; and surely, as every soldier was worth from 100*l.* to 120*l.*, it must even be a matter of pecuniary consideration to preserve his life and his health.—The hon. member concluded by moving the first item of the ordnance estimates, "That a sum of 52,349*l.* be granted to his Majesty, to defray the salaries of the master-general and the other officers of the ordnance."

Mr. Hume was extremely sorry to find that the estimates submitted to the house had so far exceeded every reasonable expectation. We had an increase in almost every item enumerated in those estimates, and the country had the additional satisfaction of hearing that a further increase was contemplated for the approaching year. He feared that the country would be destroyed by those unwise and unwholesome expences, and he conjured his Majesty's Government to pause ere they proceeded too far in their system of lavish, and, he was forced to say, wanton expenditure. He complained strongly that thirty-five companies of artillery were at the present time maintained, when ten ought to be deemed sufficient. He



protested against so large an expenditure of the public money for this branch of the military establishment in time of peace, and more particularly when he contrasted it with the amount kept up in the year 1792, and compared all the details of the expense of that day with the present, in this particular department. In contending against the persevering views of Government in this respect, he knew and felt the difficulties which he had to encounter; but he would still go on, hoping that, as drops of water were at length successful in making an impression upon the hardest bodies, his feeble efforts would at some time or other prevail beneficially for his country (hear, hear). He could not quit the consideration of this item, without complaining of the double item of expenditure entailed upon the public, by keeping up the two roofs of business for the ordnance service—in the Tower and in Pall-mall.

Sir *Henry Hardinge* defended the present scale upon which the ordnance establishment was framed; and said, that so far from its showing an increasing expense in the particular department alluded to, there was a reduction of 67,000*l.*, as compared with the estimates of 1820, and of 193,000*l.* as compared with those of 1821. He also pointed out that a system of economy was apparent in all the details.

Sir *Joseph Yorke* said, that with reference to the reduction in this branch of the public expenditure under Mr. Pitt's Government in 1792, he must say that the great pilot who weathered the storm never made a greater *yaw* (to use the nautical phrase) than he had done on that occasion (a laugh); for it afterwards exposed this country to the necessity of sending the Duke of York, with only a corporal's guard, to the Continent, to protect England from insult. If his hon. friend (Mr. Hume) was prepared with the statement of any specific act of extravagance, he should have his vote against it, as he had already given it to him in the cases of the postmasters-general and the number of lords of the admiralty. But he would rather at once cut away the dead-weight, of which he (Sir Joseph) formed himself a distinguished part (loud laughter), than diminish in these times one single effective man of the army or navy. He would stand by the active defenders of their country, and at all events not abandon its proper defence, as he feared had been done in 1792, which afterwards led to an improvident and ineffectual expenditure (hear).

Sir *Ronald Fergusson* could not disapprove of the maintenance of the artillery force, which ought, in his opinion, to be the last corps subjected to reduction; it was the most difficult and expensive to rear, and therefore the most difficult to be replaced when it was wanted (hear). There was no comparison between the present state of the artillery and that of 1792. Whatever they were at the former period, they were at present the most efficient corps in Europe. He at the same time bestowed the highest praise on his hon. friend (Mr. Hume) for the very able and assiduous efforts he had made during the last seven years, to simplify the accounts of the public expenditure, and render them intelligible to the most obtuse understandings (if such there were) in that house (hear).

Mr. *Hobhouse* resisted, on the part of the people of Westminster, the continued maintenance of a battalion of the Guards in the Mews at Charing-cross. He must protest

against this great infringement upon a favourite constitutional principle. He had already done so at an interview with which he was honoured by his Royal Highness the Commander-in-chief, to whom he had communicated the wishes and expectations of several of his constituents residing in the neighbourhood. Now that they had barracks in the parks, this eye-sore ought to be removed from Charing-cross, which was the centre of a populous and highly-respectable neighbourhood, composed of people engaged in the civil business of the metropolis. The Duke of York had, however, informed him, that the maintenance of the battalion on this spot had been decided upon, and he (Mr. Hobhouse) regretted that result, as well as the apathy with which the people submitted to the continuance of a standing army of 76,000 men.

Mr. *Peel* said, that in point of architectural taste, the hon. member for Westminster was wrong, in his objection to the proposed erection; and on constitutional grounds he was equally erroneous. The hon. member must be aware that in the petition of rights the complaint was, that soldiers were quartered on private individuals, instead of being put into barracks. The establishment of barracks in the city of Westminster was not a modern practice. From the year 1774 to 1776, there was a battalion and a half of the Guards stationed in the Savoy barracks. In 1776, those barracks were burnt, and after that the troops were stationed in Somerset-house. The principle of placing soldiers in barracks rather than in private quarters had been long known and acted upon. What was the fact at present? From want of accommodation in barracks, some of the troops necessary for the duty of the metropolis were quartered at Chalk-farm—a distance which it would not be denied was rather inconvenient for a man who had to appear on parade every day in the Bird-cage-walk (hear, hear). Others were quartered in Mary-le-bone, also a considerable distance from the parade. But what he objected to was, not so much the inconvenience of the distance, as the ill effect of exposing soldiers in private quarters to the danger of being mixed up with the worst members of society—a danger from which they would in a great degree be exempted in barracks (hear).

General *Townsend*, Colonel *Davies*, and Colonel *Johnson*, agreed as to the expediency of keeping soldiers in barracks.

Mr. *Hobhouse* said, his objection was to the principle of having soldiers too much separated from intercourse with the citizens,—a practice disapproved of by Blackstone, who had written in strong terms against it.

The remaining resolutions were then agreed to by the committee.

### *Motion to reduce the Estimates.*

TUESDAY, MARCH 7.—On the order of the day being read for bringing up the report of the Committee of Supply,

Mr. *Hobhouse* said, that it was his intention, in pursuance of the notice which he had given on a former evening, to propose a specific reduction of the number of troops which his Majesty's ministers had thought fit to call on the house to vote as necessary for the military service of the country. He hoped that gentlemen would listen to him while he stated his



reasons for considering the present as the most improper period that could be selected for proposing so large a military establishment as his Majesty's ministers now demanded from the house. The noble lord (Palmerston) had told them that it was easy for gentlemen to declaim on such topics as the danger of keeping up a standing army, and the necessity which existed for the reduction of taxation. It might be easy or not; but that circumstance depended entirely on the temper of the audience to whom the declamation was addressed. Now, if (as he believed it would be admitted was the case) the noble lord had the audience in his favour, it was much easier for him to indulge in observation on the opposite topics—to argue that such and such reductions were not possible—than for those to whom the noble lord had alluded, to work up, with any profit or effect, those trite and worn-out subjects, which had been so often expatiated on within the walls of parliament, and passed by with total disregard. The noble lord, in the speech which he delivered when he proposed the army estimates, gave the house no reason whatever for continuing the present military establishment in time of peace; and still less did he assign any ground for the increase which he had proposed; for, though it was comparatively small, still it was an increase; and in this period of public pressure it was the bounden duty of ministers, if they asked for a large standing army, (this being the eleventh year of peace), to come down with something like cogent arguments in support of such a proposition. An observation had been made by an hon. member on a former evening, that before ministers called on the house for those enormous supplies, the Chancellor of the Exchequer ought to have laid before the country something like a financial statement. Nothing of the kind had been done; and all they had heard, inside and outside of the doors of parliament, was, that there was a great difference in the state of the country in the present and in the last year,—that all the happy prospects of wealth and prosperity were unfortunately overclouded, and that distress prevailed in every quarter. Surely, when this was the case, parliament ought not to be required to tolerate an augmented scale of expenditure. He would call to the recollection of gentlemen the vote of the House of Commons in 1822; and, if nothing had since occurred in the foreign or domestic relations of the country to justify an increased military force, then he would call on those who held and ought to guard the purse of the nation, to reduce that augmentation which had unfortunately been made since the year 1822. Unless ministers could show that these establishments were necessary for the dignity of the Crown, the tranquillity of the country, or for securing to the nation that lofty position in which it ought to stand, they should be steadily refused by parliament. In 1825, the amount of taxation was 32,000,000*l.* And what was it in 1821? The amount of positive taxation was then very nearly 1,000,000*l.* less than in 1825; and yet, in 1821, the house deemed it necessary, under the sanction of his Majesty's ministers, and loudly called on by the agricultural interests, and by none more so than by the hon. member for Dorsetshire (Mr. Banks), to come to a unanimous vote, recommending in the strongest terms, that every possible reduction should be effected immediately. The noble lord (Castle-

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reagh), then at the head of his Majesty's Government, declared that the business of the country could not be carried on if the reduction of a single soldier took place. The hon. member (Mr. Hume) moved for a reduction of 10,000 men, and his proposition was negatived. However, very shortly afterwards, the noble lord (Palmerston) came down to the house, and stated that ministers had been able to reduce 12,000; and that the reduction would have been carried still farther, if it had not been for the disturbed state of Ireland. That country was now in a state of tranquillity—so were the colonies. Why, then, in a period of profound peace, should this immense force be continued? Above all, why should it be augmented? When an attempt was made to keep up the military establishment in 1815 and 1816, Lord Grenville, who was not then in his Majesty's councils, but who would not thwart unnecessarily the measures of Government, said, "It is useless to discuss minor matters, so long as you keep up this enormous military establishment, which cuts at the root of the British Constitution, and leaves no other rights worth talking about." The noble lord had told the house, that the situation of the colonies demanded the augmentation; and, notwithstanding the vote of 1821, and the reduction effected in 1822, the increase was granted, because the noble lord had declared that it was necessary with a view to the comfort of soldiers on foreign stations, for whom it was proper that ample relief should be provided. If, however, such relief were necessary for the colonies, it did not follow that so large a force should be kept up at home. The force supported here was the very worst that could be devised for giving relief to the colonies. Why were there so many household troops, and so large a number of cavalry regiments? They were not only useless, but it was unconstitutional to continue them. The present was a most opportune moment for those gentlemen who had joined in the resolution of 1821, to say, not only that there should be no farther augmentation of the military establishment, but that it should be brought back to what it was reduced to in 1822, when the number then voted was declared by ministers quite sufficient for the service of the country. There were now 32,670 soldiers in England, and no less than 15,000 on the recruiting service; while, in 1792, there were only 17,000 military in Great Britain. Ministers had no pretext whatever for this increase.—The hon. gent. concluded by moving—"That it appears to the house that the regular military force of the country in 1822, exclusive of the troops employed in India, amounted to 69,088 men; and, according to the estimate presented to the house, the same description of force in the present year amounts to 87,240 men; being an increase, over and above the number employed in 1822, of 18,152 men.—That it appears to this house, that no change has taken place either in the foreign relations or internal condition of the country, since 1822, to justify so large an increase of our standing army; and that, in order to return as early as possible to the military establishment of that period, it is expedient to reduce the regular troops for the service of the United Kingdom and the colonies, exclusive of India, to 77,000 men."

Colonel Johnson seconded the motion.

Lord Palmerston said, that although he could not agree in the proposition of the hon. gentle-

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man, yet he was not disposed to object to the general principle which he had laid down—namely, that it was incumbent on the house to apportion, as scrupulously as possible, the amount of the military force to the actual wants of the country. Gentlemen, of course, had a right to make use of those anniversary occasions, for the purpose of making their observations, and of recording the opinions which he knew they entertained on these particular subjects; but though the general principle on which they proceeded was good, the results to which it led them were often erroneous. He (Lord Palmerston) most distinctly declared last year the grounds on which he called for an augmentation of 13,000 men (as the hon. member had correctly stated it to be); and, with very little exception, the house concurred in the force and justice of the reasons which he then assigned. At that time he explicitly denied that any part of that increase was rendered necessary by the internal state either of this country or of Ireland. The hon. gent. had asserted, that gentlemen had concurred in that augmentation, because the state of Ireland seemed to require it. It was not in his power to account for the feelings of others; but he could positively state, that he did not call for the increase, either then or now, on account of the situation of Ireland. The plain grounds were the state of the colonial service. But the hon. member said, "If a smaller force were sufficient in 1822, why have you demanded a larger force since?" The fact was, that in 1822 the Government, anxious, as they ought to be, to give in to the general feeling of the house and of the country, consented to a reduction, which, in their sober judgment, they felt when made would be greater than they could possibly adhere to, with a due regard to the proper performance of their duty to the country. Having tried this reduced system for two or three years, and finding that it did not succeed, they felt it necessary, as a public duty, to declare that the experiment had failed, and to ask for an augmentation (hear). He did not mean to go into a detail of all the garrisons that were to be supplied with troops. If it were necessary, he was ready to do so; and he was persuaded, that after such a statement, any person who was at all acquainted with the number and extent of our colonial possessions, would candidly acknowledge that the force called for was not greater than the necessity of the case required. Much had been said about the force employed in Canada and the West Indies; but if gentlemen would look to the troops employed in those possessions in 1792, they would find the present increase very trifling indeed, when they compared the extent of territory which we possessed formerly with that which we possess now. This was peculiarly the case with Canada, where population and cultivation had been greatly extended, so that it was necessary to protect a larger line of frontier. He would now state the distribution of the military force of this country, and gentlemen would then be enabled to judge whether it was or was not too great. The infantry of the line consisted of 83 regiments. Of these, 9 were in Great Britain, 23 in Ireland, and 51 on foreign stations. Besides the 9 regiments of the line in this country, there were depôts for the 51 regiments abroad, where recruits and invalids were received. Taking the 9 regiments at home at 740 men each, it gave a total of 6660 men. Supposing

224 men at each of the 51 depôts, the total was 11,424 rank and file. Add to these, six battalions of foot guards, 4400 men; and staff corps, 300 men; and the gross total would be 22,784 men. Of these, 11,424 were not on actual service; they were in depôt, and were ready to go abroad when called for. The object in keeping up this part of the establishment was, that the places of non-effective men might be immediately supplied; and by that means the regiments abroad be continued in a perfectly complete and efficient condition. In speaking, therefore, of the force at home, it would be proper to deduct this body of 11,424 men. There were 51 regiments abroad, of which 20 were in the West Indies. Now, supposing those regiments thus employed on foreign service to be absent only for ten years, (and he believed no person who was acquainted with foreign service would say that ten years was too short a period), then it became obvious that there must be sent out from this country annually, seven regiments to foreign stations, while seven others came home from foreign stations. And as one regiment did not quit a foreign station until it was regularly relieved by another, it followed that there were in the course of the year, 14 regiments neither employed abroad nor in this country, but occupied either with their passage out or home. Taking one station with another, he might say that the reliefs sent out were equal to five regiments, which ought to be deducted from the general establishment for the whole year. If, then, the five regiments thus constantly withdrawn for relief were deducted from nine, it would leave at home, independent of cavalry and of 4400 guards, a disposable force of only four regiments of the line. He would ask whether this could be considered a greater disposable force than the country ought to possess (hear)? If these strong grounds were not sufficient to show the house that the augmentation of last year was necessary, he was very much deceived. Indeed, he thought they would have justified the house in going even farther (cries of hear, and question).

The house then divided, when there appeared—For the Amendment, 34—Against it, 106—Majority, 72.

### *Mutiny Bill;—Punishment of Flogging in the Army.*

FRIDAY, MARCH 10.—Lord Palmerston rose for the purpose of proposing two clauses to this bill. The first was for the purpose of exempting persons who served in the capacity of consuls from being billeted upon by soldiers; the second would repeal a law by which, if a soldier destroyed game, his officer was fined 2l. for every head of game he might kill.

Mr. Hume stated, that persons in Edinburgh complained, that, although barracks were plentiful, soldiers were billeted on persons as if there were none. Such persons were obliged to find hay and straw for the soldier's horse, which would amount to 2s. 6d. per day, and they would only be allowed 10d.

Lord Palmerston said, that it often happened that where barracks were full, or there were no barracks, soldiers were obliged to be billeted. The clauses were then agreed to.

Mr. Hume then rose for the purpose of submitting a clause for the abolition of a practice which had long existed in the army of this country—



he meant the punishment of flogging. He was aware that on this occasion he should have to encounter the prejudices of many hon. members who were officers in the army, and who, from being in the habit of witnessing such punishments frequently, did not entertain the same feelings on the subject as might be supposed to actuate other men. However, he hoped that they would give the subject a calm consideration, and if it should be made appear that any other mode of punishment could be equally effectual, that they would consent to its abolition. The evil of flogging did not consist merely in the bodily torture inflicted on the individual who was thus punished; it had also the bad effect of rendering those who were obliged to witness such scenes more callous and indifferent than before. It had precisely this effect upon the persons punished—and he might appeal to the experience of those most acquainted with the army for the fact—that no man ever became a more diligent or a better soldier by the punishment of the whip. He was aware that a difference of opinion existed among many most respectable members of the military profession, on the subject of corporal punishment, and that many, he would admit, very humane individuals, thought that the duty of the army could not be carried on without it; but he was happy to add, that there were also many highly distinguished and experienced officers who were of a different opinion, and who thought that, considering the modern improvements in the system of military discipline, corporal punishment might be dispensed with, not only without injury, but with great advantage to the service. He might, if he were disposed to go into detail on this subject, give a great many instances in support of his resolution, but he would confine himself to the mention of a few facts. In the Wurtemberg army, under the government of the late king, a system of discipline of a most severe and cruel kind had been carried on; but on the accession of the present king, an end was put to that system, and he (Mr. Hume) was informed by an officer—an adjutant in one of the regiments—that the change was attended with the happiest effects. That gent. stated to him, that under the old system, the men became worse by flogging; but the moment the change had taken place, and the punishment of the lash was abolished, so far from there being an increase of crime, the soldiers seemed to emulate one another in avoiding every kind of punishment. He might perhaps be asked if flogging were abolished, what kind of punishment ought to be substituted? He did not know what was the practice of the French army in this respect, though he was informed that in several regiments in that service flogging was not practised; but in Wurtemberg there were two regiments to which men were draughted who had been punished twice or more in their own regiments. Another regiment was appointed to receive those who had been punished only once. This system, which made it disgraceful for a man to be punished even slightly, and therefore unfit to remain longer in the same regiment with his former associates in arms, was, he was informed, found quite effectual to keep up the discipline of the army in that country. Was it not, then, worth while that some attempt of the kind should be made with respect to our army, the general system of which, in other respects, and, he would admit,

in that of flogging also, had been considerably improved? Adverting to the alterations which, so creditably to himself, had been proposed in our criminal code by the right honourable secretary (Peel), and considering the intended amelioration of the system practised towards our colonial negroes, which had been mentioned by the hon. colonial sec. he would ask, if it were not monstrous that we should still keep Englishmen, in English regiments, in the constant fear of the lash, and hold that they could be kept to their duty only by that cruel species of punishment? Never did a better opportunity occur for giving the subject a fair trial than the present. We were now in a time of profound peace, and no danger could arise to the general discipline of our army from at least making the trial. He was not disposed to carry the experiment too far at first, and therefore, in the resolution which he would submit, he would limit the suppression of flogging to regiments in the United Kingdom. In the colonies, the present system might be continued until it was ascertained how far the suppression could be made effectual at home. He would also limit his resolution to a time of peace, so that if a war were to break out unexpectedly, resort might be had to the old system, if necessary. Thus no possible danger could arise from the trial. Humanity called upon us to make the trial, and there could, he thought, be little doubt that it would be successful. At all events, now was the time when it could be made with the least risk of danger. He would submit two resolutions on this subject. The first would go to the abolition of flogging; and by the second, another mode of punishment would be proposed for crimes to which flogging was now applied. The house was not without an example of flogging having been abolished without any dangerous effect upon military discipline. In America, the punishment of flogging had been abolished, and that, too, at a time when she was engaged in a war. This was effected without producing any bad effect in the discipline of their army. On the contrary, that discipline was kept up in a more effectual manner than before.

Mr. J. Smith said, that he did not think the present moment a proper one for the discussion of a question of such importance as that which the hon. member had introduced. The principle of the resolutions he fully concurred in to its full extent. But he thought that instead of being thus introduced at a late hour, the question should be made the subject of a specific motion, as it had been when formerly introduced by an hon. bart. (Sir F. Burdett), to whose humane exertions might be attributed the improvement which had already been made in our military discipline on this point. If a specific motion were made on the subject, the whole of the facts connected with it might be brought before the house in detail; and then he thought it would be made apparent, that throughout the whole of Europe there was a gradual abandonment of cruel bodily punishments; and he believed it would be seen that England was now almost the only civilized government under which this species of torture was inflicted—at least that we had not made the same progress as other nations in its abolition. He did not intend at that late hour to enter into any lengthened statements on this subject, to which he might be disposed if the subject were brought more fully before the



house. He would, however, mention one of many cases within his knowledge. He was acquainted with an officer who had for a considerable time the command of a troop of dragoons, and who during the whole period during which they were under his orders, never brought a man to corporal punishment. The only punishment inflicted on any of them, was confinement of a few days. This gentleman was one who had the command of his temper and passions—who watched his men narrowly, and thus became acquainted with their habits and dispositions; and so effective was his adaptation of even the slight punishment he had mentioned, that on an inspection by a general officer, that troop received great praise for its discipline and good conduct, while other troops, towards whom a more rigorous system had been applied, were censured for deficiency in both. But examples of this kind would be endless, and he would not adduce more. It was admitted by officers of all ranks, that the soldier who had been once brought to the halberd, was more likely to be brought to it a second time, than he who had never been subjected to that disgraceful punishment. This general principle was not applicable to the army only. In the history of the proceedings at the Old Bailey it would be found, that those who had been once subjected to corporal punishment by the whip, were the most frequently subjected to it a second time. If this practice was not found effectual for reform, which ought to be one object of every species of punishment less than capital, the legislature was bound to abolish it, and substitute some one more effectual. By public exhibition of severe corporal punishments, the feelings of the spectators became enlisted on the side of the sufferer, and in their compassion for the man they lost all recollection of his crime (hear, hear). The present period was peculiarly favourable for an alteration in our code of punishment, and particularly favourable for the abolition of military flogging. All the other nations of Europe were rapidly getting rid of their systems of bodily torture. He did not know the extent to which France had carried her improvements in military discipline on this point; but there was no question that her general code of corporal punishments had been most beneficially altered. Would she now tolerate such tortures as those inflicted on Ravillac and Damien? Whatever might be the result of the motion to-night,—and there was no doubt that it would be negative,—yet he hoped that if he lived 5 years longer, he should see an end put to this system altogether. The hon. member concluded by requesting his hon. friend to withdraw his motion for the present, and to allow it to stand as a specific motion for some future day.

Sir J. Brydges gave his entire concurrence to the resolutions of the hon. member (Mr. Hume); because he was convinced that the system of flogging in the army was improper, and ought to be abolished. It was improper, because honour was the essence of a soldier's profession, and when he was disgraced, by being subjected to such punishment, he considered his honour tarnished, and he was no longer capable of any heroic feeling.

Sir G. Murray did not deny the statement of the hon. member (Mr. J. Smith), that such feelings as he had described might be called forth from a mob witnessing a punishment; but it

was one thing to have those feelings, and another to legislate on them. It would be inconsistent with sound policy to legislate on such feelings alone; and, in looking to military punishments, it should be considered whether the discipline of the army could be kept up without them. He was no friend to severe punishment of any kind; but he thought that the power of inflicting corporal punishment was necessary to the discipline of an army. He knew of no instance of any army, ancient or modern, without similar punishments. They were in use amongst the Romans, and it would not be denied that their soldiers were kept in the highest state of discipline. If it were a fact, as the hon. member had stated, that the punishment of flogging was altogether abolished in America, what comparison was there between an army of 6000 men, scattered over the immense surface of that country, and the extensive army kept up in this? America did not want a standing army; and the state of discipline of her troops would be wholly inapplicable to this country. With respect to the army in France, it was well known that before the present dynasty returned to the throne of that country, a system of discipline of the most severe description was kept up at an expense of human life that would strike British feeling with horror, and the present system would scarcely be taken as a pattern. He had learned from a gentleman, well acquainted with the regulations of the Prussian and Saxon armies, that in the Prussian army the punishment of the cane was universal and arbitrary; but the constitution of that army was essentially different from that of the English military force; for there every man was obliged to serve. The army was composed of two classes—a soldier, on entering, belonged to the first, in which he was exempted from corporal punishment. But if he violated the military regulations, he was transferred to the second class, in which corporal punishment might be inflicted. The punishment of the cane was inflicted by non-commissioned officers, and in secret. Would the hon. member wish to see such a system of secret flogging adopted in our army? Another regulation was, that only forty stripes could be inflicted without the sentence of a court-martial. Would the hon. member desire to see an arbitrary system of this kind adopted in the British army? There were other species of punishment to which the Prussian soldiers were liable: as confinement of several sorts: first, sending a man to the guard-room, or for a short time to solitary confinement. The second was to solitary confinement, on bread and water, with a forfeiture of pay; and there was another species of confinement in which the prisoner was not permitted to lie down. Was the hon. member aware of these facts, when he stated that torture was abolished in foreign armies? Another species of punishment was, fastening the criminal to a tree, or a wall, with his face turned towards it, and keeping him in that posture for a considerable period without permitting him to lie down. This was an outline of the discipline in the Prussian service, which was described as the mildest on the continent. In the Saxon, the highest punishment was shooting; but in many cases, after death the body was delivered over to the common hangman, to be stretched upon the rack. There were, besides, several degrees of punishment by solitary confinement—sometimes with the addition of bread and water diet—sometimes with leg-irons of 32lb. weight: after the infliction



tion of this punishment a second time, the culprit was declared altogether unworthy to remain in the army. Under another description of punishment—a soldier was kept in solitary confinement, in chains, in a cell, without bed or bedding, and frequently in a position called crouching—the body bent forward, the hands and feet fastened together (was not that torture?) so that he could not lie down. The longest period during which this punishment might be inflicted at frequent intervals, was 8 months; in some cases it was limited to six. The military punishments of Hanover were fall as severe as the latter. These statements would serve to confute the assertions that other nations were less severe than we, in their military punishments, and that there had been an abandonment of torture in all nations except in England. As to the proposal that the system of flogging should be relinquished in this country, and retained in our colonies, such a regulation would be most highly unjust, and attended with the most pernicious consequences. It was, in his opinion, the liability which a soldier was under to be sent to any part of the globe, and to encounter every variety of clime and disease, which mainly contributed to raise our military service to the high eminence it had attained; he also considered the continual interchange of troops of great advantage to the service. The empire was not confined to the three kingdoms; there were limbs and members of it in every quarter of the globe, and surely it would be a very inconvenient and invidious distinction to have one system of discipline for our troops at home, and another for those stationed abroad. It had been said that this was a boon for the army; if it were so, he must, as far as he was connected with the army, beg leave to reject it. It was to our discipline that we owed all our military honour; it was not the arms or dress of our army, but its discipline which rendered it useful to its country, and feared by its neighbours: but if he had had no other reason for rejecting this boon, as it was termed, he must confess that when he considered the quarter whence it was offered, he should have felt but little disposed to accept it.

Sir R. Wilson thought the system of flogging ought to be altogether abolished. Every other power in Europe had given it up, and without any detriment to military discipline. The severity with which the discipline of the French army had been formerly maintained, had been very much exaggerated, and its present condition was highly commendable. In the late invasion of Spain, no irregularities had been committed which could in any way disparage the discipline of that army. The gallant general had drawn an analogy between the English and Roman armies, and seemed to think that both of them owed their courage to the system of flogging which prevailed in them; but where was there a more cruel people than the Romans? What atrocities were they in the habit of committing on their slaves? On one occasion, where a murder had been committed by a single slave, 650 slaves were consigned to instant execution, as an atonement. Was this the people to whom we should be anxious to compare ourselves? The gallant general had spoken of the cane being used by other powers as an instrument of punishment; but was there any resemblance between a cane and a cat o' nine tails? between striking a man with his clothes on, and flogging his naked back with an instrument cal-

culated to tear his skin and flesh from his bones? The gallant general had alluded to a punishment, which prevented the offender from reposing, but what kind of repose was one of our soldiers likely to enjoy after he had received eight or nine hundred lashes? If flogging were to be abolished in our army, it would soon be composed of a different class of persons. In consequence of the adherence to this system, our soldiers were at present frequently the outcasts of society, who resorted to this profession because they were neither fitted for, nor could get admitted into, any other. The chief objection to this system of punishment, was, that it degraded the moral character, and vilified the individual who had been subjected to it to the last day of his life. He should have wished at any rate that the experiment might have been tried. Possibly there might be some irregularities when individuals first began to feel their liberty, but he was convinced that after this experiment had been tried for twelve months, there would be no complaints from officers of any relaxation of discipline, or that they found any difficulty in controlling their men without having recourse to flogging.

Lord Palmerston did not wish to put the question on unfair grounds: he was ready to admit that whenever punishment was accompanied with ignominy, it must necessarily have the effect of hardening the offender; but he conceived the doing away with this punishment would have the effect of introducing other and greater evils. There was something in the constitution of an army which required some stronger and more speedy power to control it than was necessary for the regulation of a mere civil body. Indeed, the history of every age and every country showed this, and he would assert, without any fear of contradiction, that corporal punishment had prevailed in every army which had ever existed; and whether that punishment was administered with a cane or with a lash, did not seem to him to make much difference, at least with regard to the ignominy of it, which appeared to be the great objection which had been raised against it. He could assure the house that a disposition existed in the highest quarter to have recourse to corporal punishment as seldom as possible; and when, from the returns made to the Commander-in-chief, it appeared that corporal punishment had been frequently inflicted in a regiment, the conclusion which he universally drew from it was, that the officers were not doing their duty. The argument of his gallant friend had been totally misrepresented, when it was imputed to him that he had ascribed the courage of the Roman and English armies to the system of flogging which prevailed in them. When it was considered that our army was raised by voluntary enlistment, and not by conscription, it would be readily conceived that there must necessarily be no small difficulty in controlling a body of such different tempers and habits. He looked upon the proposition of the hon. member (Mr. Hume), for confining the system of flogging to the troops employed in our colonies, and abolishing it at home, as most highly objectionable, and he would conclude his observations by re-assuring the house that there existed a very strong disposition in the high quarter which had the direction of the army, to mitigate corporal punishment as far as it could possibly be mitigated, with a due regard to the maintenance of proper discipline in the army.



Sir R. Fergusson had always observed that the best discipline was preserved in those regiments where corporal punishment was least frequently inflicted. From this he inferred, that whilst regiments were employed on home service, their discipline could be maintained without having recourse to the whip or the cat-o'-nine-tails.

General Townshend having been in the performance of regimental duty for thirty years, might be permitted to say, that he brought at least the benefit of experience to this question. Corporal punishments had formerly been very prevalent in the regiment of Guards to which he had the honour to belong, but he was happy to say that of late the frequency of its infliction had much diminished. He was, however, of opinion that gentlemen were much mistaken who thought that the discipline of the army could be maintained without corporal punishment.

The house then divided, and the numbers were—

Ayes, 47—Noes, 99—Majority, 52.

### *Accounts of the Guards.*

TUESDAY, FEB. 7.—Mr. Hume said, that he was desirous of extending to the regiments of Guards, horse and foot, generally, his motion for a return relative to certain troops of the Oxford Blues. He found that, by an exemption from the law laid down by the acts, the 45th and 48th of the late King, there was not for the accounts of the several regiments of Guards an audit of the same character with that applied to the expenditure of the rest of the army. The commanders of the regiments handed their accounts to the King, and the King transmitted them to the Secretary at War; but there was no regular audit, and the subject was one of considerable importance. It appeared that the average cost to the country, of men and officers, in the Life-Guards, was 74l. per annum. In the Horse-Guards the charge was nearly equal. In the Dragoon-Guards the cost was about 56l. In the Foot-Guards, the average charge per man was 34l.; and in regiments of the line, only 31l. He thought that this difference of charge arose in some measure from the absence of the audit, and was desirous of hearing some explanation of it. At all events, the want of such a check left the system open to suspicion; and he could see no objection to placing the Guards upon the same footing with all the other troops in the service. He could not see how the difference between the number of officers on full pay in these corps and the troops of the line could be justified. During the war, he was aware the forces were so augmented that it was difficult, if not impossible, to come at a proper reduction at the peace without placing a great number of officers on half-pay. The proper economy for Government to pursue was, to fill vacancies from the supernumerary lists. He was sorry to say that not only that was not done, but while many officers of reduced troops had retired on their full pay, new ones were actually introduced to fill vacancies, thereby greatly swelling the expenditure of the establishment, and most unfairly passing over the supernumerary officers on the list of half-pay. In 1814, when two troops of the Oxford Blues were reduced, the men were discharged, the officers

kept on full pay. No reason could be given why such heavy expenses should be incurred for the officers, while the men were dismissed without ceremony. If the accounts which he was about to move for were produced, they would see what new promotions had taken place, and the house might, by applying to the noble sec. (Palmerston), obtain explanation on any particular cases. He had heard of the appointment of two new officers, who had come in without purchasing, while there were thousands of officers unemployed on the half-pay list. Gentlemen on the other side might think that 7s. or 10s. a day was not much for an officer and his family. But then it must be recollected that there were thousands of poor families among the operative classes who had not so much as 7s. a week to live on for the year round; so that no exertion of Government should be spared to effect every possible reduction. He then moved for return of the officers retired on full pay since the reduction of two troops of the Oxford Blues, in 1816; likewise of the vacancies which had occurred during the same time in the remaining troops; and of the number of new appointments and of the officers remaining at the time on full pay. Also for similar returns of the Life and Foot-Guards.

Lord Palmerston said, that there would be no objection made on his part to the production of the papers; and he assured the house of the readiness of his Majesty's Government to give every explanation within their power. As to the objections taken by the hon. gentleman to the difference between the establishments of the horse and infantry of the line, the question had been frequently and fully discussed in that house, and he would not now suffer himself to be drawn into it. Whether right or wrong abstractedly, Government had determined, and parliament had repeatedly concurred in the propriety of keeping the two kinds of force, the Guards and the regiments of the line, on a different footing. As to the accounts of the regiments of Foot and Horse-Guards, though they did not come before his office in the same shape, and with the same details, as did the accounts of the other forces, it was a mistake to suppose that they did not render any accounts, or that there was any possibility of the public money being wasted. There were sufficient and satisfactory guarantees for the conduct of these regiments, and it was absolutely impossible that any improper use could be made of the money so issued. The fact was, that they had advantages in point of pay and other allowances; but out of the money granted they had to pay the expense of recruiting, the purchase of horses, and other charges, to cover which in the regiments of the line there were specific issues by order of parliament. There were no officers on half-pay when the two troops of Blues were reduced. All those who held promotions were entitled to sell out on retiring. The only appointment of a new officer was subsequently to the battle of Waterloo. A Major fell in the action, and from the peculiar gallantry of this regiment on that eventful day, it was thought proper that the whole line of officers should be advanced. This made way for the appointment of one officer only; and when the house was told that he was the brother of the brave man who fell, and that he had behaved equally well in the field, they would not think the distinction was bestowed improperly (hear, hear). With regard to entirely new appointments in the Guards,



it would be found that they were pages of the King, whose privilege it had constantly been, after a certain term of service, to take the first vacant ensigncy in the Foot, or the first cornetcy in the Horse-Guards.

### *Half-pay and Pensions.*

THURSDAY, MAY 26.—Mr. Hume complained that the bargain respecting the "dead weight" was quite a delusion on the public; and that, instead of being a saving, it was a loss of a large sum. Instead of a decrease, there was an increase of the number of half-pay officers since the "dead weight" bargain had been made. In 1817, the finance committee stated, that the half-pay and pensions then amounted to 3,500,000*l.*; and it was added, that a reduction of from 5 to 7 per cent. might be expected every year on that amount. According to that statement, the decrease ought now to amount to about 50 per cent. on the whole sum, instead of which, it had been since then nearly doubled. A practice was begun, of allowing old officers on half-pay to sell, and their places were supplied by young ones; thus continuing the burden on the public. The number of promotions in the army since 1817 was, on the average, 500 each year, although there were 7000 officers on half-pay unemployed. A similar line of conduct was not pursued with respect to the marines, in which service there had been very few promotions since 1816. The navy, however, furnished another source of family patronage. Although the service was only capable of affording employment for 800 officers, there had last year been no fewer than 294 promotions.—The hon. member concluded with moving, that "an humble address be presented to his Majesty, praying that he would be pleased to employ in the army, as vacancies should occur, such officers as were on half-pay qualified to serve his Majesty, as well with intent to ease the nation in time from that burden as to reward those who had served during war."

Lord Palmerston said, that since 1822, both the number of officers on half-pay and the charge for their maintenance had decreased. In 1822, the number of officers on half-pay was 8317; in 1816, it was only 7666. The charge for this department was, in 1822, 728,000*l.*; and in 1826, it was only 715,000*l.* He must acknowledge that he did not feel the same anxiety to see the charge for the half-pay diminished by the death of persons holding commissions as was evinced by some persons (hear). The recent increase of promotions, and the permission to sell from half-pay, had been resorted to with a view of affording some recompense to those who had served in the war, and were growing old, in the rank of lieutenant and captain. He denied that there had been any abuse in the disposal of the patronage of the army, and contended that it was desirable that persons who were connected with the aristocracy of the country should be encouraged to purchase commissions in the army, in order to preserve it from acquiring the dangerous qualities of a standing force. He stated, at the same time, that no inferior officer was allowed to purchase over his superior officer, unless the superior officer declined, or was unable to purchase. He contended that due justice had in all cases been done to the claims of the half-pay officers, and concluded by giving his decided opposition

to the motion, because he conceived it calculated to disgust all the officers who were on full pay, and to annoy many of those who had retired upon half-pay.

The motion, after a few observations from Mr. Hume in reply, was put and negatived.

### *Petition of Mr. Bradley.*

THURSDAY, MAY 11.—Mr. Hume presented a petition from Thomas Bradley, Esq., late colonel in the 2d West India regiment, complaining of having been unjustly dismissed from the service of the army. The petition stated, that in the year 1819, the petitioner was the second in command at Honduras; and that, in consequence of Lieutenant-colonel Arthur, who was at that time the senior officer in command at that station, having been placed on half-pay, the command devolved on the petitioner; that Lieutenant-colonel Arthur, however, still persisted in retaining the command, notwithstanding the remonstrances of the petitioner; and at last caused him to be put under arrest, because he refused to attend an irregular and unmilitary meeting, which had been convened by Lieutenant-colonel Arthur, and kept him in close confinement for a period of nearly ten months; that whilst he was so confined, he forwarded to Sir Henry Torrens, as the colonel of the regiment, a full and candid account of the whole transaction; that owing, however, to certain misrepresentations proceeding from another quarter, the Commander-in-chief was induced to advise his Majesty to remove the petitioner from the army, with permission to dispose of a majority only; that the petitioner having in vain applied for a court-martial, was compelled to institute an action against Colonel Arthur for false imprisonment; but that, in consequence of a commission, and certain orders having been brought forward on the trial, which, till then, the petitioner had never heard of, and which, although sworn to at the trial by Sir H. Torrens and Sir H. Taylor, he was prepared to shew did not exist at the time when he claimed the command, he recovered damages only to the amount of 100*l.* He complained that Colonel Arthur's defence had been conducted at the expense of Government, and that since the verdict Government had conferred a lucrative appointment abroad upon him, and thereby wholly prevented the petitioner from enforcing against him the payment of the damages and costs in the action.—The hon. member said that he could not but consider it a great misfortune to the army, that the Commander-in-chief could all at once dismiss an officer from his profession, without any court-martial or investigation, no matter what had been the length of his services, or however meritorious his previous conduct.—He would now merely state the prayer of the petitioner, which was, that the house, as protectors of the rights of individuals, and the vigilant and zealous guardians over the controul of public departments, would take the premises into their serious consideration, in order that justice might be rendered to an innocent individual, whom even his oppressors admitted to be a meritorious officer, and that they would afford him such redress as to them should seem meet.

The Attorney-General was desirous of saying a few words on this subject. The petitioner had taken upon himself to state, that the commis-



sion granted by General Fuller to Colonel Arthur was a forgery; and to accuse two highly honourable individuals of perjury, with a view to the perversion of justice. Ought the house to receive a petition which contained matter of this nature? But what were the real facts of the case? In addition to the commission which Colonel Arthur had received from General Fuller, he had also been appointed superintendent, and an order had been issued from the competent authorities in this country, that the officer holding the situation of superintendent should also hold the command; and when Colonel Bradley insisted upon taking the command himself, Colonel Arthur proposed that they should wait the decision of the authorities at home. To this proposal Colonel Bradley wholly refused to listen, and insisted upon taking the command, observing that he would rather be put under arrest than have any thing to do with Colonel Arthur. The petition stated, that the petitioner was under close arrest for ten months; whereas, in point of fact, he was only two months under such arrest. It was suggested by the petitioner, that he was dismissed in consequence of the false representations of Colonel Arthur. Now it was expressly stated to him, in the communication which conveyed to him the notification of his dismissal, that he was dismissed in consequence of the impropriety and inconsistency of his conduct, as it appeared on the face of his own statement. As to the charge which the petitioner had insinuated against Sir Herbert Taylor and Sir Henry Torrens, these gentlemen had stated on the trial, as the fact was, that a general order had been issued that the civil superintendent at Honduras should have the command of the troops in the garrison. It was not meant that any general order had issued from the Horse Guards; but the epithet "general" was used, because the order was not intended to apply merely to one superintendent in particular, but to all who might hold that situation. It was not fit that an individual, after taking the opinion of a court of law on his case, and having it decided against him there, should come to that house for redress. If the petitioner had merely complained of the hardship of his case, he should not have opposed the bringing up and printing of the petition; but when he had gone on to impute forgery and perjury to most highly respectable individuals, he could not think of giving his sanction to having matter of this description circulated through the country.

Colonel Davies said, that although the petition did certainly contain matter which it would have been more prudent in the petitioner not to have introduced into it, he did not think that this ought to be allowed to prejudice the real merits of the case. No one who was at all acquainted with Sir Herbert Taylor or Sir Henry Torrens, could for one moment entertain an idea that they would descend to any dishonourable practice, or be any party to the perversion of justice. But what appeared to him to be the great hardship of the petitioner's case was this, that if Colonel Arthur was invested with the commission from General Fuller, he had improperly concealed it. Had he produced it at the time, Colonel Bradley must have conceded the point in dispute. The power of dismissal without court-martial, ought, if retained, to be most cautiously exercised; and it was unjust that Colonel Arthur should have been

relieved from payment of damages by a new appointment, and that his cause should have been conducted at the expence of Government.

Lord Palmerston said, that if the petition had been confined to the mere complaints of the petitioner, he should not oppose its reception; nor should he oppose its being read and printed, did it not contain charges the most unfounded against two men of as high honour as any in the country—namely, Sir H. Torrens and Sir H. Taylor. Colonel Bradley had appealed to a court of justice, for the purpose of shewing that his conduct was justified by law; in that appeal he failed: he appealed again, and was again unsuccessful: and he was therefore warranted in saying, that Colonel Bradley had no legal ground of complaint. With respect to his military conduct, the case was quite clear. Colonel Bradley had been guilty of gross insubordination, amounting almost to mutiny; and in consequence of his conduct, he was dismissed from the army—not on the representation of Colonel Arthur, but on the consideration and investigation of his own statements, as compared with those of Colonel Arthur. Colonel Bradley was quite mistaken in supposing that the debanding of Colonel Arthur's regiment produced any alteration in his military authority. As his regiment had never been in that colony, it was impossible he should ever have commanded by virtue of his regimental rank. He continued to command the garrison as civil superintendent, just the same as when he was on full pay. But it was said, that Colonel Mamey had exercised the military command after Colonel Arthur had been placed on half-pay. Now, this was disproved by the returns in the Commander-in-chief's office: so that Colonel Bradley was mistaken in all his facts. How was an officer to act in a distant colony? Colonel Arthur offered to transmit to the Horse Guards any communications which Colonel Bradley might think necessary. It was therefore clear, that Colonel Bradley having been guilty of this kind of insubordination, deserved to be dismissed from the service. But he could also state, that he had been treated with great indulgence; for, although he had been removed from the army, he was permitted to sell his majority, having only purchased his resignation and company; and when Colonel Bradley preferred those charges against Sir H. Torrens, it was fit to state, that it was on the personal recommendation of Sir H. Torrens that Col. B. was promoted to the rank of lieutenant-colonel. With respect to his (Lord Palmerston's) conduct in the transaction, he had felt it his duty to recommend that the case of Colonel Arthur should be conducted at the public expence. It would be hard indeed, if, when an officer had discharged the duty he owed his country, and was dragged into a court of justice, he should be subjected to all the expence and inconvenience; but at the same time he must add, that it was no part of his instructions to pay the damages attendant on the extension of the imprisonment of Colonel Bradley beyond its proper period. The ground upon which the court had directed a verdict in favour of Colonel Bradley was, that he should have been released on the first intimation of his being placed on half-pay. However, it was fair to state, that the intimation received by Colonel Arthur was not, that Colonel Bradley had been put on half-pay, but that it was in-



tended to do so. According to the usual course, the communication of the fact must have been made by Jamaica, so that necessarily an interval must have elapsed between communicating the intention and carrying it into execution.

Mr. Brougham:—With respect to the charges preferred by the petitioner against certain honourable persons, he would fain hope the house would pause before they adopted, as a principle, that no charge was to be printed amongst their votes which happened to reflect on high individuals (hear, hear). He must say here, that with respect to the charges preferred against these honourable persons, he knew nothing at all about them; but having read the petition, he must differ with his learned friend in supposing that there was any thing in it personally offensive to the person alluded to. All the petition did was to accuse some person of having forged a certain commission; Colonel Arthur not having produced that commission when he was repeatedly called upon to do so.

Mr. Peel said, that the charges in the petition were so wholly unreasonable, that the house could not, consistently with the principles of justice, permit them to go forth with any thing like the shadow of their authority. The petitioner persisted first in saying that there was no commission, and when its existence was afterwards proved, he said it had been forged. His imputations against Sir Henry Torrens and others who had given evidence on the trial, amounted to this,—that they had given untrue evidence. The improbability of this charge was in itself obvious; but the question now was, whether the house would choose to give currency to these charges against persons who had been unwillingly compelled to give evidence in a court of justice. For these reasons, he should not object to the reading the petition, but he should decidedly oppose its being printed.

Mr. Hume thought it highly expedient that the petition should be printed, in order that every member in the house might know the exact nature of the charges, before he moved for a committee. Since, however, the rt. hon. gent. complained chiefly of the charges, he had no objection to withdraw the petition for the purpose of expunging them; and to present it on a future occasion for the purpose of calling the attention of the house to the grievances of which the petitioner complained.

Mr. Brougham complained of the great hardship which persons laboured under who had to pursue in courts of justice complaints against officers for misconduct, when those officers were protected by the Government. They were not only opposed by all the talent and the pecuniary means which Government possessed; but when they succeeded in overcoming these difficulties, they were sometimes, as in the present instance, unable to recover the costs which the mode of defence had tended to augment very considerably.

The petition was then withdrawn; and after some alteration, was read on Friday, the 26th of May, when Mr. Hume and Lord Palmerston repeated the statements made by them as above.

### *Navy Estimates.*

FRIDAY, FEB. 17.—Sir G. Clerk moved that the order of the day be read for the house, resolving itself into a committee of supply, to Sess. 1826.

consider of the navy estimates.—It was read accordingly.

On the question that the Speaker do leave the chair,

Mr. Hume rose, and after reminding the house of the report of the finance committee of 1816, and the language of Lord Castlereagh, in both of which it was held out that the public expenditure of the country would not exceed 17,350,000*l.* complained that in every year subsequently to that period this expenditure had been very considerably increased; so that last year it was 3,000,000*l.* more than in 1818. This showed how much faith was to be placed in the flattering statements of ministers. If we wished for any relief from the immense load of taxation with which we were at present burdened, we must begin by reducing our expenditure. He was far from desiring to diminish the efficacy of the navy; but if we were to add to the expense of our navy as it was proposed to do, in the present year, we ought to make a correspondent reduction in the expenditure of the army; the house ought not to go into a committee until the Chancellor of the Exchequer had stated the amount of the resources of the country, and what taxes he meant to reduce, for it was not possible for the country to sustain the same load of taxation in a metallic currency as it could in a paper one. Ministers had told us in his Majesty's speech, that professions of friendship and amity had been received from all foreign courts: if this were the fact, especially when we took into consideration our insulated situation, there was no need for our keeping up such large military and naval establishments. This year it was proposed to add another thousand men to our military force, and if we went on at the same rate, it was quite impossible that our finances could recover, or that we could ever be prepared to carry on an effective war. All the naval establishments in the world, taken altogether, did not amount to one half of our own. What was the navy of the United States, from which we were constantly told we had so much to fear? The whole number of line-of-battle-ships in the American navy was only seven, whereas the number of our ships of war was 509. Surely, then, we ought to pause before we added to our expenditure in this department. He would not consent to vote a single man until the Chancellor of the Exchequer had made a full statement of the revenue and the expenditure. It should be recollected that on a former occasion, ministers, after stating to this house their inability to make any reduction, did, of their own accord, when they found the revenue insufficient, make a reduction of from ten to twelve thousand men. Our army might, without any danger to the country, be decreased to one-third of its present amount, and then we might better afford to keep up a respectable naval establishment. The hon. member concluded by moving an amendment to the following effect, viz.—that it is desirable before the house shall vote any part of the naval and military establishments for the year, the extent of those establishments and the estimates of them should be laid before the house, particularly as the estimates for the navy this year exceeded those for the last.

Colonel Davies having seconded the amendment,

The Chancellor of the Exchequer contended that it would be more expedient to go first into



the committee, and ascertain item by item why the estimates of the present year exceeded those of the last. This was the usual course, from which he had no intention of departing, although with a view to the public convenience he had always brought forward his financial statement as early as possible.

Mr. *Bright* observed, that the sum voted as a supply might not be such as the Chancellor of the Exchequer expected, and therefore it was necessary for the house to know how to apportion it to the different branches of the public service. The estimates ought then to be examined, with a view of making every possible reduction in them. He doubted much whether the revenue, under the new system of currency which was going to be introduced, could be raised to any thing like its old amount. Sure he was that the proposed alteration in the circulating medium would cause great heart-burning in the collection of the ordinary taxes of the country.

Mr. *C. Hutchinson* :—The going into a committee upon the estimates, without having an account of the financial state of the country, appeared to him to be as absurd as it would be for a gentleman to order a carriage and horses, without knowing what fortune he had to support it. Ministers acted as if they wished to pledge the house to support a certain amount of expenditure, without allowing it to judge of its means of meeting it.

Mr. *Canning* observed, that whatever might be the distress of the country, he could see no reason why hon. gentlemen should set themselves in array against the forms of parliament, and should insist that business should be transacted in a different mode from that in which it had been transacted for ages. He believed he was justified in saying, that never, on any account, at any period of our history, had there been any deviation from the course which Government had proposed that night to take; that never in the most turbulent times, had a vote been taken in objection to the Speaker's leaving the chair, when the purpose of it was to vote a supply in committee for the navy. But would it be right, it had been asked, for a man to keep a carriage without first examining into the amount of income he had to meet such an expenditure? The allusion, he conceived, to be ill chosen. The carriage might be considered as a sort of luxury; whereas what was now wanted was absolutely necessary to the defence of the country. If his servant were to tell him that he wanted locks for his doors in order to secure his property, he would order them to be got, without making a previous inquiry into the general state of his affairs. So he would advise the house to act upon this occasion. The grant of these estimates was necessary to the indisputable defence of the country. He admitted that the situation of the country was such as to require serious attention and deliberation; but he would never admit that it was in such a condition that its ordinary establishments could not be maintained, and that it was in such danger that the ordinary forms of parliament must be dispensed with. He therefore hoped that the hon. member (Mr. *Hume*) would waive his opposition.

Mr. *Hume* forbore to press his amendment to a division, and it was then negatived.

The house having then resolved itself into a committee of supply,

Sir *G. Clerk* expressed a hope that he should

be able to satisfy the hon. member (Mr. *Hume*) that the navy estimates of the present year were drawn up with every attention to economy which the safety and the honour of the country admitted. The hon. member upon this occasion, as upon many others, had referred to the opinion given by the committee of finance in 1817 as to the requisite magnitude of our naval force, and had contrasted the navy estimates of that year with the navy estimates of the present. But owing to the great extension of our commerce with the nations of South America, the calls on the admiralty for ships of war to afford it protection had very much increased; and even with the force now voted, the admiralty had not been able to meet the demands which had been made upon it from several quarters to send an adequate force into all those seas. The unsettled condition of that country, which had been felt by the United States, by France, and by every naval power which had any commerce at all, had rendered an augmentation necessary in the naval force of each of those states. For the same reason, a necessity for increasing our force in the Mediterranean had risen out of the war now raging between the Greeks and the Turks. If we had not had a considerable naval force in that sea, we should have suffered numerous insults from both the belligerents, of which ministers, had they taken place, would have heard pretty loudly in that house. The situation of the Spanish West India Islands, also, required the presence of a force to put down the piratical squadrons which had recently cruised in their neighbourhood; and though by the conjoint efforts of our own navy, and that of the United States, they had recently been driven into holes and corners, still they were not exterminated; if we diminished our force, they would soon recommence the depredations we had stopped. A large force was also stationed off the coast of Africa, to put down the traffic in slaves, and another for the same purpose, off the Cape of Good Hope. If the committee, therefore, would consider the various calls which were made upon the admiralty, it would see that a force of 29,000 men was not more than sufficient; indeed, that it scarcely was sufficient for the service. For the present year a force of 30,000 men was deemed absolutely necessary. A requisition had been presented to the admiralty from the East India Company, praying that an additional naval force might be sent into the Indian seas, on account of the hostilities between the Shan empire and the East India Company. A thousand men was the force required by them. As that force was sent into the Indian seas, not to protect British commerce, but to assist the East India Company, and to secure their territory, an arrangement was now in progress, by which the greater part of the expense of providing for it would be thrown upon the East India Company. They were to furnish the sum of 60,000*l.* for that purpose; but as some additional powers would be wanted, to enable them to complete that arrangement, the mode in which they were to pay it would be explained on the introduction of the bill. The amount of the estimates for the present year showed an excess above those of the last, of 180,000*l.* One cause of this increase was the additional force of 1000 men. Another cause was, that the expense of victualling the navy had increased, in consequence of the advanced price of all kinds of provisions, and



particularly of Irish pork and beef, of which the consumption was very considerable. An addition of 3s. a month in the victualling of each man had therefore become necessary, and thus, notwithstanding the victualling of the navy was conducted with the utmost economy, an increase had been caused of nearly 100,000*l.* on these two heads of expenditure. The expense of the civil establishments of the navy had not increased; on the contrary, in some respects it had considerably diminished. Indeed, he had no hesitation in saying, that had it not been for the additional force of 1000 men, and the increased price of provisions, the estimates for this year would have been much lower than for the last. Gentlemen would observe that a change had been made in the drawing up the estimates. Under the first head of expenditure the vote for wages, for victuals, for wear and tear, and for ordnance, had generally been included. Neither of the two latter items of expenditure were found under that head in the estimates of the present year; and he would shortly state why. The sum voted for wear and tear was supposed to be expended on the ships which were actually afloat, and was calculated at so much a-head. An objection had been made by the hon. member (Mr. Hume) to this mode of calculation. He had stated that it was absurd to calculate the wear and tear by so much a-head, instead of calculating it by the stores consumed. As soon as the objection was made, it was thought advisable to alter the plan and to bring it entirely under the head of stores. There was this year a diminution of 320,000*l.* under the head of wear and tear. Under the head of ordnance there was a considerable increase; but, in the two articles of wear and tear, and of ordnance put together, there was a saving of 30,000*l.* With regard to the head of ordnance of the navy, as it was a matter over which the Navy Board had no control, it had been omitted in these estimates, and would be moved for by the Clerk of the Ordnance (Mr. R. Ward) when he brought forward the ordnance estimates. He did not think it necessary to say any thing on the ordinary estimates of the navy, as they were the same as last year. Ministers had reduced them to the lowest possible scale; and a proof of it was, that with a force of 30,000 men our expenditure would not be greater than in 1821, when we had only a force of 23,000 men. There was one item which was inserted in these estimates for the first time for some years, and that was an item for the mending and repairing of ships at Bombay. After the year 1822, this item had disappeared from the list; but the quality of the Indian timber had been found so excellent, the labour so cheap, and the workmanship so completely equal to that of our dockyards at home, that it had been deemed expedient to continue the building of vessels at Bombay. In the extra-estimates would be found an account of the sums to be expended upon works of the yards. He had stated on a former occasion, respecting the works at Sheerness, that if Government were provided with funds to finish them in four instead of ten years, it would make about a saving of 14 per cent. to the public. The cost of erecting the proposed works had been calculated by the late Mr. Rennie at 921,000*l.*, but an offer had since been made to Government, to complete them in four years for 780,000*l.* The plan containing that offer appeared so beneficial to the

public, that Government had no hesitation in acceding to it; so that instead of calling on the committee for the vote originally mentioned for this head of expense, he should call upon it this year for a vote for 150,000*l.* There was an item of 50,000*l.* for completing the works of the break-water, on which it was found necessary to employ a greater number of men than had yet been employed there. Under these two heads there was an increase of 181,000*l.* in the estimates. This, added to the increase of nearly 100,000*l.* for which he had before accounted, made a total increase of 281,000*l.*; from this was to be deducted a sum of 94,000*l.* voted on account of the ordnance stores last year, and not yet expended; so that the real increase of expense to the country, after making allowance for the ordnance, &c. would leave the estimates of the year greater than those of the last by 187,000*l.* The whole of this increase arose from the necessity of employing 1000 additional men, from the increase in the price of provisions, and from the necessity of proceeding with their engagements at Sheerness more rapidly than was originally expected. That rapidity was rendered the more necessary by a great part of the works being at present under water, and therefore in a state very liable to be injured by violent winds or high tides. The hon. bart. concluded by moving the following resolution—“That it is the opinion of this committee, that 30,000 men be employed for the service of his Majesty's fleet for 13 lunar months, commencing the first day of January, 1826, including 9000 Royal Marines.”

Mr. Hume observed, that it was difficult for him to say whether 29,000 or 30,000 men were the exact number required for the sea-service. But he could not understand why the number should be increased. He was convinced that there must be something radically wrong in the estimates, from finding that at former periods of our history we had kept up a much larger navy at one-third of the expense. When he objected to the increase of our naval force three years ago, the rt. hon. Sec. for Foreign Affairs said that it was impossible to protect our commerce with the states of South America without a large disposable force, on account of the unsettled nature of their governments, and their war with the parent state. That consideration induced a considerable portion of the house to acquiesce in that increase. He was now surprised at hearing the same cause alleged for another increase, when these states were at peace with one another, their struggle with the parent state at an end, and three distinct treaties of peace made between us and them. But it was said that the presence of a large naval force was required in the Mediterranean. He did not think so; he had never yet heard of any English vessel having been either plundered or stopped by either Greeks or Turks, except when they were dealing in articles contraband of war. The revenue at home required protection, because they kept up a system of high duties, and so spent, in maintaining the preventive service, a sum larger than that which would have been lost to the revenue by establishing a system of low duties. The keeping up a naval squadron on the coast of Africa, which was the grave of our brave seamen, for the purpose of suppressing the slave-trade, appeared to him to be a measure that ought to be dispensed with: of every ne-



gro whom they intercepted, for they could not save them from slavery, the purchase was the life of an English sailor. On the whole, he thought that 30,000 men were not wanted for the service of the navy. If the estimates were increased in the item on account of the increased price of provisions, there were other items on which they might be diminished. The want of economy was an addition to the difficulties of the country. Let but a gun be fired in hostility against us, and Government would soon discover the situation to which they had reduced the country by the neglect of its finances. He proceeded to point out the great increase which had taken place in the half-pay and pension list since 1817, and to infer from that increase that there was great abuse in the management of it. An officer who had not parliamentary interest, found great difficulty in getting promotion; and an officer who had, was promoted up to a certain grade, and then placed on the half-pay list, to make room for others. It appeared by the estimates, that there were already 250 ships more than the finances of the country were enabled to man; and he therefore thought that it was a mere waste of money to promote so many officers. The consequence of that increase was also objectionable in another point of view: by adding to the dead weight. By the estimates which had been formed of that payment, it ought to have been reduced from 1,100,000*l.* to 550,000*l.*; but so far from this being the case, the sum paid to pensioners now was 300,000*l.* more than it had been at the end of the war. In the year 1822, in consequence of the very strong representations which had been made in that house, a reduction had taken place in the salaries of the civil offices of the establishments. In the present year, however, an increase appeared to have taken place, and the same salaries were 157,000*l.* A much more enormous increase appeared in the half-pay and superannuation list, which in 1817 was 85,000*l.*, and now amounted to 164,000*l.* This lavish expenditure would continue so long as the Admiralty should continue to have the power which they at present possessed, and which the house ought to take from them until the evils of which they complained were redressed. There had been, it seemed, no promotion among the marines, and the consequence was, that in that item a reduction had taken place. But why, he was obliged to ask, had there been no promotion? Was there any reason which entitled naval officers to any higher or exclusive consideration over the marines? He believed not, for he had always heard them spoken of in the highest terms; and although he was averse to all promotion, excepting where it had been merited, he was still more decidedly opposed to any thing like partiality in the application of that promotion. The charge for building and repairing ships, and supplying them with the necessary stores, was 1,395,000*l.*, and this he thought the most objectionable of all the items. He was prepared to assert, notwithstanding the contradiction and opposition which had been offered by the hon. Sec. for the Admiralty, backed by his documents, that there had been expended from the end of the war to the present time, 27,000,000*l.* under this head. This was enough for the support of two navies. There were now 509 ships on the establishment. The house was told that they were never in a better state than at present, and yet upwards of a million of money was re-

quired to prevent them from spoiling. If a war should break out, he would ask the Chancellor of the Exchequer, since it would take so large a sum as had been lately mentioned to put 130 ships in commission, where he would find the means to equip 500? The finances of the country could never bear any such expense. No more ships ought to be built; those which we had might be kept in proper repair, a due regard being had to the most economical mode of performing those repairs. He should be glad to see the attention of the Lords of the Admiralty turned to the recent discoveries which had been made respecting steam-vessels used as ships of war; and to consider that, in the event of this country being engaged in a future war, a great change must of necessity take place, by which many of our ships would be wholly useless. Upon this subject he could assure the house that some expenses which were still incurred, were, in the opinion of persons well qualified to judge, a downright waste. The expenses of improving and finishing the dock-yards at Sheerness, would amount to little less than 2,000,000*l.* The estimate for this year alone amounted to 150,000*l.* It had been admitted by the hon. bart. (Sir George Clerk) some years ago, that if the use of steam-boats in taking vessels up and down the river had been known, these works would not have been begun. But surely, now that the use and advantages of steam-boats were duly appreciated, the extensive dock-yards at Chatham might be appropriated for all the necessary purposes; and as there was no longer any difficulty in taking ships thither, it could not be prudent nor advisable to throw away this sum of 150,000*l.* at Sheerness. He therefore objected strenuously to this increase, which, in whatever way the account was stated, amounted to 150,000*l.* more than the estimate of last year. The aggregate amount appeared to be 6,133,000*l.*, which he thought a great deal too large to be expended at this time. In the year 1792, the character of the British navy had been so low, nor was it less respected abroad than at the present moment, and then one-fourth of its present number of ships had been found enough for all useful purposes. He took it to be a most unsatisfactory reason to say, that the protection of the revenue required this expense: if that were true, it would be better in every other as well as in a pecuniary point of view, to alter the law so as to prevent the necessity of any such extraordinary protection. He saw there was a charge for hired vessels, and this charge was connected with the post-office department. He thought these two establishments ought to be kept entirely separate, and that the house ought to see distinctly what was paid for the navy, and what for the post-office.

Sir George Clerk said, he did not complain of the statement which the hon. gent. had just made, nor of the manner in which it had been made; but he felt it necessary to say a few words in reply, for the purpose of showing the hon. gent. that he was mistaken in some points. The hon. gent. had laid great stress upon the amount of the half-pay and pensions, which, in the aggregate, had been increased instead of being diminished, as the hon. gent. had expected. If, however, he looked at this part of the list which related to the half-pay, he would find that it had experienced that gradual reduction which, from its nature, might reasonably



have been looked for. The increase had taken place in the civil departments, and for this there were two causes. The first was, that when in the year 1822 a reduction of one-fourth in the number of clerks and other officers had taken place, it became necessary to retain those whose services were most efficient. The result was, that the greater part of such as were dismissed were those persons who had become infirm and unable to turn to other employments, and who, on account of their long services, had greater claims upon the Government than those who were retained. The other deficiencies were occasioned by the falling off in the fund for paying the widows' pensions. During the war, the contributions which were made to this fund were so large, that the pensions were paid without the necessity of any application to parliament, and now the greater part was to be provided for by the public. The unclaimed prize-money which had formed a very important item in the receipts for Greenwich Hospital, and other sources of a similar description, were of necessity shut up, in consequence of the peace; these causes together produced a deficiency, and the increase of which the hon. gent. complained. With respect to the hon. gent.'s complaint respecting the promotion in the marines, he begged to remind him that there was a great difference between officers in the marines and those in the navy. Commissions were granted to officers in the marines who had no claims on the country. Officers in the navy, on the other hand, received their commissions as the recompense of long services. This circumstance would account for the list of lieutenants who had been promoted, many of whom had been engaged in most active and laborious services for ten or fifteen years of the war. The increase of the salaries had been produced also by another cause: the persons receiving them were divided into classes, with a progressive augmentation of their stipends, which must in the course of time produce this effect. The hon. gent. in alluding to the million which he supposed was paid for building and repairs, had fallen into an error similar to that which the hon. Sec. for the Admiralty had set him right in about some time ago. He (Sir George Clerk) was, however, happy to say, notwithstanding the hon. gent.'s misinformation on this subject, that at no period of the history of this country had the ships in ordinary been in a better state than they were at present, and that being repaired with seasoned timber, they had shewn no symptoms of the ravages of the dry rot. A great expense was necessarily incurred for the purpose of keeping the ships in repair; but it was an expense which was wholly unavoidable. The hon. gent. objected to the formation of the docks at Sheerness, and recommended rather that the dock-yards at Chatham should be used for the same purposes. The difficult navigation of the river was the strongest reason against this plan; and the great advantages which had already been derived from the facility which the establishments at Sheerness afforded, of examining ships thoroughly in dock, proved that they would, in fact, be the cause of a very material saving to the country.

The resolution was then put and agreed to.

The motion for a grant of 955,500*l.* for the wages of 30,000 men for 13 lunar months, was then put, and agreed to.

On the motion for a grant of 682,500*l.* for the victuals of the said men,

Mr. Hume asked why this estimate was higher than that of the last year, since every thing was now admitted to be considerably cheaper?

Sir George Clerk thought he had explained that a great increase had taken place in many of the articles of provision. In salt beef particularly, which was one of the chief articles, there was a difference of 16 per cent. from the prices of 1824; it being then 6*l.* 2*s.* 6*d.* a tierce, and now 7*l.* 6*s.* 9*d.*

The motion was then agreed to.

On the motion for a grant of 835,957*l.*, the charge for timber and all other materials for the building, repair, and fitting of all his Majesty's ships, &c.

Sir J. Coffin asked whether any inquiry had been made on the subject of the ships in the navy which were said to have the dry rot, particularly those mentioned by Mr. Burridge in his petition lately presented to parliament?

Sir T. B. Martin said, the ships of the British navy were the soundest in the whole world, and that those alluded to had not the dry rot.

Sir George Cockburn said, it was true, that in the course of the last war, in consequence of the exigencies of the times, ships had been run up in a great hurry, and little attention was paid to the sort of wood employed about them. The consequence was, that the dry rot attacked many of them. Now, however, all new ships had been built with well-seasoned timber, and all the work done under cover, and many of them, he was sure, were better now than they were on the day they were built; and every precaution had been taken to prevent the possibility of premature decay.

Sir G. Clerk then moved that the sum of 896,000*l.* be granted to his Majesty for defraying the expense of the half-pay of the unemployed officers of his Majesty's fleet for 1826.

Mr. Gordon complained that officers of the navy on half-pay were subjected to a species of tax which applied to no other officers in his Majesty's service. He alluded to their being compelled to pay certain fees on obtaining leave of absence to go abroad. He hoped the hon. persons at the head of the Admiralty would take the subject into consideration, and if they saw no good reason for the continuance of the practice, direct it to be discontinued.

Mr. Croker said, that the practice alluded to had been adopted in order to operate as a check upon officers going abroad. Naval officers were liable to be called into active service on a sudden, and it was not, therefore, desirable to encourage their leaving the country. The fee which was exacted was very small—ten shillings and sixpence, he believed, from a lieutenant; and larger sums from superior officers, in proportion to their rank. The fees were carried to the profit of the public.

The Chancellor of Exchequer stated, that for his part, he had no objection to give up the small sum of 150*l.* or 200*l.* a-year, which was derived from the fees (hear). At the same time he could give no opinion with respect to the principle on which the practice was founded.

Mr. Hume objected to the expenditure of any more money upon Sheerness dock-yard, and entered into a variety of details to shew the gradual increase of expenditure on these works; and observed that if he lived for the next ten years, he had no doubt a million more would be asked. It was literally melting gold. Such works should not be carried on without a proper inquiry. A committee unconnected with the Admiralty, would probably save the



country a million of money. He would now move, by way of amendment, that the estimate be reduced 150,000*l.*, and would move in a day or two for the appointment of a committee to inquire into the subject.

Mr. Calcraft would be glad to know, as it had been stated that the contractor had consented to reduce his contract-price 170,000*l.* or 180,000*l.*, how that could be possible if the contract had been originally a prudent one?

Sir George Clerk explained.—The work had been intended to proceed slowly; but the contractor had suggested that if the expensive coffer-dam could be taken down, and the timber disposed of, instead of standing for so long a time as was intended, he could reduce the amount of his contract.

The resolution was agreed to.

TUESDAY, FEB. 21.—Mr. Broden appeared at the bar with the report of the committee of supply relative to the navy estimates, which was ordered to be brought up.

On the question "that the first resolution be read a first time,"

Sir F. Ommamney complained of the difficulty which the widows of assistant-surgeons experienced in procuring pensions. He knew the widow of one of those useful individuals who had fallen a victim to his exertions in the service, and it was not until after a lapse of 15 years that she had a pension granted to her.

The resolution, granting 30,000 seamen for the sea-service for 13 calendar months, was then read a first time.

On the motion that it be read a second time,

Mr. Hume said that he must oppose the naval or any other establishment being formed on so large a scale as his Majesty's ministers seemed inclined to propose at the present moment. They had seen the ordnance estimates, they had had an opportunity of examining the whole scale on which it was intended that the military establishment should be kept up, and he was justified in saying that no such establishment was ever thought of at any former period of peace. He therefore wished to know whether there was any prospect of a return to what might fairly be denominated a peace establishment? At this awful moment, when distress and difficulty threatened the land in every direction—when no immediate relief appeared in view—when thousands and tens of thousands were in a state of destitution and want, it would well become his Majesty's ministers to reflect a little on what they were about to do (hear). In former times this country maintained a very different peace establishment, both with respect to the number of men and the magnitude of the expense. When the late war was terminated, that house appointed a committee to inquire into the state of the finances generally, and also into the management and expenditure of every particular department; and he regretted to say, that the recommendations contained in the reports agreed upon by that committee, and approved of by the ministers, had been, as it appeared to him, entirely neglected. They were now going on increasing the burdens of the country, without any reason whatsoever being assigned for their conduct; and he believed if 12,000,000*l.* instead of 6,000,000*l.* were demanded for the naval service, it would be at once voted, al-

though 2,000,000*l.* had been found sufficient at the end of former wars. In 1817, immediately after a long war, when Europe was in an unsettled state, and America was in such a situation with respect to this country that it was scarcely possible to guess how the scale would turn, only 19,000 seamen were called for. In the following year there was an addition of 1000. In 1818 and 1819 the same number, 20,000 was continued. In 1820 it was raised to 23,000. In 1823, there was a further increase to 25,000. In 1824, the number was 29,000. Last year it was continued at 29,000; and now, without any reason whatever being assigned, parliament was called on to vote 30,000 men, with all the accompanying expense. The hon. bart. (Sir F. Ommamney) had alluded to the situation of a great number of unfortunate widows, whom he had kindly taken under his protection (a laugh). Certain it was, that very many persons who had claims on the Government were plunged in deep distress and could procure no relief, whilst they saw young men of rank and family, who needed no adventitious assistance, amply provided for (hear). Such individuals were too often hoisted over the heads of men of talent and experience; and while the labours of the latter went unrequited, the former were quartered on the public purse. The navy and the army were filled with instances of this kind. It was, indeed, nothing more or less than a mode of pensioning individuals; and he regretted to say that there appeared to be a disposition in the aristocracy of the country to get their friends and relatives thus pensioned on the people (hear). While the great mass of the people had scarcely bread to eat, taxes were imposed on them without number, to keep up this useless expense (hear). Five officers were kept up, where one would be sufficient; and that, it appeared, was the mode in which the people were to be relieved from their taxes. From the estimate now before the house, they learned, that a sum of 6,297,000*l.*, including the receipts for old stores, was to be expended on the navy for the current year. This was more than the estimate for the last two or three years; and the system of wasteful expenditure which was now adopted could not be carried on, unless ministers made up their minds, ere long, to rob the public creditor. He was sorry he did not see a minister in his place, because he wished to impress on the minds of those who were at the head of affairs, the necessity of their giving these estimates a reconsideration. They ought to look to the situation of the country, and extend some substantial relief to the people. He was anxious, if he stood alone, to record his opinion as to what the house ought to do in this period of suffering; and what, he would add, if they had a reformed parliament, that house would do—namely, compel his Majesty's ministers to reduce those estimates and to revise the expenditure of all those departments which weighed heavily on the people, and of which they most justly complained. The hon. gent. concluded by moving—  
"That this house cannot take into consideration the report of the naval estimates, of this, the 11th year of peace, amounting to 6,153,000*l.*, without expressing their concurrence in the opinion which the committee of finance of 1818, expressed in their 8th report, in the following words: that ships, military stores, &c. were not only necessary to the glory of the country in the event of war, but that finances re-



recruited during peace are at least of equal importance; but that a strict regard to financial arrangements, by which wealth and industry were generally diffused through the nation, and by the operation of which the people were relieved as far as was practicable, from their burdens, was of equal importance: on these grounds, the house recommends to the ministers of the Crown the reconsideration of the naval estimates, in order that they may be reduced in consonance with the opinion of the finance committee, above recited, and the better to suit the present circumstances of the country."

Lord J. Russell seconded the amendment. The navy estimates were framed on a most inordinate scale, and he believed that the army estimates would be found still more extravagant. He would therefore divide the house on the amendment of his hon. friend.

Sir G. Cockburn was surprised that the hon. member (Mr. Hume) should have asserted, that no reason had been given for the increase in the navy estimates. He begged the hon. member to recollect that his hon. friend (Sir G. Clerk) in bringing those estimates forward, had stated that the increase this year was owing to the war in India, and to the necessity which existed for keeping up a naval force in various parts of the world. The general state of the commerce of the country was such, that ministers could not withhold this force, without creating general discontent amongst the merchants (hear). There was no part of the world in which the commerce of Great Britain was not going on at this moment; and armed ships had been sent abroad for the purpose of protecting that commerce. The Admiralty took care to see that those vessels were properly distributed. They were obliged to send ships up the Mediterranean, where the British were likely to be attacked by the belligerents on both sides. Again it was necessary to station vessels of war in the West Indies, and they were likewise called for on the coast of Africa. There was no part in the world in which a British naval force was not looked up to for protection. If that house were filled with merchants, he was convinced they would all rise with one accord, and bear testimony to the benefits they had derived from the system pursued by the Admiralty. The hon. member had stated, that the claim of no man was listened to at the Admiralty, unless he possessed family interest. He (Sir G. C.) denied the charge altogether (hear). He attended himself at the Admiralty in rotation; and he would say, that no person, from the highest to the lowest, ever asked to see him, whom he did not see, and whose business he did not hear (cheers). And he would tell the hon. member in the face of the house and of the country, that he paid less attention to a man who had family interest than to one who was without it (hear). He would say more. He would tell the hon. member,—and many officers could bear witness to the fact—that when men without interest, had stated their cases to him, he had done his utmost to bring them forward (hear). The charge, therefore, of the hon. member, was unjust and unfair. He could assert without fear of contradiction, that in proportion as the Admiralty brought forward persons of rank, they, with equal readiness, assisted others who had no recommendation whatever of that kind. Length of service, and a knowledge of the profession, were never overlooked, let the situation of the

individual be what it might. The services of the father were very frequently considered in the promotion of his sons; and it could not be denied that this was a fair and proper course of proceeding for the Admiralty to observe in their promotions.

Mr. Robertson complained, that on so important a vote there was not a minister of the crown in his place. The apology for keeping up a large naval force made by the hon. lord of the admiralty, was totally inadequate—namely, the war in India. The war in India no more required an increase of the navy, than would a war in the middle of Germany. It was totally impossible that a naval force could act in the Burmese war. Such a reason could only have been offered on the presumption of the utmost ignorance among the members of the house of the seat of war in India. True it was that in the mouths of rivers there were occasionally forts which were accessible by boats; but the weakest vessel that could swim, if she could only hold out the voyage and the landing of the troops, would be powerful enough for any maritime purposes of that war.

Mr. Croker had one short fact to state, in answer to the representation of the hon. gentleman. This very morning it had fallen to his lot, as secretary to the admiralty, to receive despatches from a commander in India, which stated that he was engaged in pursuing a party up a river at Rangoon, upwards of 1000 strong.

Sir C. Cole defended the admiralty from the charge of an unfair use of favour and affection in promotions. He could mention a proof of the contrary, within his own knowledge. He had taken two deserving youths by the hand, who had done themselves honour in the service; they were sons of an officer of distinguished merit, but they were for a time overlooked. He no sooner made their case known to the admiralty than their promotion was secured to them. From all that he had ever seen, this was but the usual character of their proceedings. As to the necessity of a naval force in India, he had been for a great many years on that station, and it rather astonished him that we could hold so vast a dominion with the aid of a naval force so small as was usually kept there. The house would recollect the limits taken in by that station—it was a full quarter of the earth's surface, reaching, in direct longitude, from the coast of Arabia to the Pacific Ocean.

Mr. Herries complained that this was an unfair application of that great but just and necessary power which the house had of disputing the estimates. This was at once to stop the progress of public business. The house was engaged on the report of a committee in which these estimates had been discussed over and over again, and had been carried without any attempt at a division, with the seemingly unanimous consent of the whole house in that committee. It would be a very different thing if the question had not been started before, or if the supplies proposed exceeded greatly those to which the house had been accustomed. But the establishment had been settled at its present amount after years of discussion, while every attempt had been making by the Government to bring it down to that scale which should accord with the wishes of parliament and the country, and the safety and well-being of the service.

Colonel Davies thought, on the contrary, that



this was a very fit opportunity for the exercise of that great economical check which lay in the voice of parliament. No good reason was given for keeping up so enormous an establishment, and he would vote for the amendment.

Captain Gordon complained of the uncandid expressions which, having been used, conveyed an impression to the house of the naval service having been rendered a mere mode of access to the receipt of a pension. He knew of several officers of acknowledged gallantry and merit, who, after serving 30 years or more, received a pension of about 180*l*. Surely these allowances ought not to be classed as mere burdensome pensions: they were rather a very limited reward for services highly valuable to the country.

Mr. Tremayne felt himself compelled, from a sense of the public distress, and the necessity of more economy in the finance, to support the amendment.

Mr. Hobhouse had no wish to embarrass the measures of Government: on the contrary, he had voted with them on every occasion during the session excepting last night, when they introduced a measure which tended to subvert their own principles. This was another occasion upon which he felt bound to oppose them; our establishments were too large. There was but one opinion out of doors, that such establishments could not be kept up for any continuance of time, especially if ministers were resolved to persevere in that measure, which he must deem on their parts an eminently wise one, of returning to a metallic currency. It was every man's settled conviction, that with the contraction of the circulation which that measure would cause, it would not be possible to keep up those establishments: unless, indeed, ministers had made up their minds to the more desperate and unjust alternative of breaking faith with the public creditor. With regard to the means of promotion at the admiralty, he had heard the gallant members opposite with surprise. One gallant officer, to disprove the charge of influence, told the house of taking two deserving youths by the hand down to the admiralty, and introducing them there with success. Why, this was the very case of his hon. friend (Mr. Hume). Their merits might have claimed and acquired for them promotion without the recommendation of the gallant officer. But then what was the use of his introduction and influence? Surely he ought to recollect how the public would view this transaction. They would not forget that the gallant officer was a member of parliament, and that by some good accidents, he always found himself at liberty, consistently with his conscience—how far it consisted with the sense and wishes of his constituents, he (Mr. Hobhouse) would not undertake to say—to vote with his Majesty's ministers. In short, it was clear that his recommendation was strong, because he was a member of parliament. Indeed, they all knew that there might be officers who had gallantly and strikingly fulfilled the functions of their profession, advanced without influence; but that influence was necessary, and the stream of influence bore chiefly towards parliament, none would deny.

On a division, the numbers were—For Mr. Hume's amendment, 15—For the original motion, 43—Majority, 28.

On the motion that the sum of 896,000*l*. be

granted to his Majesty for defraying the expense of the half-pay of the unemployed officers of his Majesty's fleet,

Sir Christopher Cole rose to express his regret at the hardships which half-pay officers of the navy were obliged to undergo, in consequence of their being obliged to employ themselves in other professions, owing to the very inadequate provision afforded to them by Government.

Mr. Hume, being the first person who had introduced to the house the subject of officers going into the church, could not let the present occasion pass without offering a few words. He was most anxious to learn what steps Government would take with respect to officers entering the church. His Majesty's ministers did not seem to know how to act on the subject, for an order in Council had passed taking off the half-pay of officers in holy orders, and a subsequent order restored it to them again. He (Mr. Hume) could not but consider it a hardship that in this latter order an exception had been made with respect to marine officers. It was certainly not fair to give half-pay to one class of officers, and to take it from another.

Mr. Croker:—The system which had always been adopted by the Admiralty was—that no person in the naval department should be allowed to enjoy half-pay, unless he consented to join the navy again, should his services be required. Not very long since it had been the practice in the army to suffer half-pay officers, who had gone into the church, to retain their half-pay; but when the principle came to be considered, the army saw the necessity of the measures adopted by the Admiralty, and came into those measures accordingly, and it was now an established rule in the army, that every person so situated should forthwith dispose of his commission.

### Marine Officers in Holy Orders.

WEDNESDAY, FEB. 22.—Mr. Calcraft, alluding to what was mentioned by Mr. Hume at the close of the discussion last night, that the half-pay of officers in the army who had taken holy orders had been taken away and subsequently restored, observed, that if that were the case, he did not see why an exception should be made of officers of marines, who had taken holy orders. He understood that this was now the case, and that by a recent order the half-pay of the few officers in that service who had taken holy orders had been discontinued. He hoped this subject would receive the attention of the admiralty.

Mr. K. Douglas said that it was a regulation of the service, that under any circumstances marine officers who entered into holy orders should not be continued on the half-pay list. The reason of it was, that the half-pay was given to marine officers, not alone as a recompense for past services, but also as a kind of retainer for future. Now, it must be obvious, that if such officers were to enter holy orders, they would put themselves in a condition in which their services could not be required.

Mr. Calcraft did not think this explanation satisfactory. He could not see why the distinction should be made between the officers of one branch of the public service and those of another.

FRIDAY, MARCH 3.—Mr. Calcraft presented a petition from James Shillibeer and John



Brown, representing that they had been subaltern officers in the marines, and had been placed on the permanent half-pay list in 1816, and complaining that by reason of a recent regulation of the admiralty, they had been struck off the half-pay list, on the ground that they had been admitted into holy orders. The hon. member said that the case of the petitioners appeared to him to be one of peculiar hardship, inasmuch as they had been deprived of their half-pay by an *ex post facto* regulation: for it was stated in the petition, that notwithstanding their having been sometime ago admitted into holy orders, they continued to receive their half-pay up to the 25th of September, 1825, when it was stopped, in consequence of a regulation which had been just before that time made by the admiralty. He was aware that a similar regulation had been made in the army, but there it was not permitted to have a retrospective effect, and it was this retrospective operation which furnished the chief ground of the petitioners' complaint.

Sir George Cockburn said that the regulation alluded to had not been recently adopted by the admiralty; that it had existed and been acted upon for some time; and that the reason why the petitioners had continued to receive their half-pay up to the 25th of September last, was, that until then it was not known at the admiralty that they had been admitted into holy orders.

Mr. Astell, Mr. Warre, and Sir C. Cole, also recommended the restoration of these officers to the half-pay list.

Sir C. Long said, that if the sense of the house was in favour of the restoration of these officers to the half-pay list, he should not be at all inclined to oppose it.

The petition was brought up and ordered to be printed.

### Preventive Service.

LORDS, TUESDAY, APRIL 11.—The Earl of Darnley rose, pursuant to the notice he had given, to call their lordships' attention to the late fatal event which had occurred on the coast of Kent—the death of an officer employed on the preventive service, in consequence of his being fired on by one of the men under his command. Although an instance of sudden and melancholy deprivation of life had just occurred, it was not merely on that account that he considered it his duty to call their lordships' attention to the system of the coast blockade, but because he entertained serious objections to the whole system of the preventive service. In the present case, some very extraordinary particulars had come out in the evidence before the coroner's jury. It appeared that the seaman who had killed his officer, supposing that smugglers were advancing upon him, hailed, and then fired his musket. Their lordships would find, that other instances of fatal accidents of this kind had occurred. He was informed that there was in Hastings' church-yard a monumental record of the death of a fisherman, who was killed by the coast blockade. The fisherman, approaching in his boat, was hailed, and no answer being heard, he was shot dead. It was some years since, a gallant officer (Captain McCulloch), supposing probably, like his namesake, who had written on absenteeism, that it was the same thing whether men ate their pro-

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visions on board or on shore, and that seamen could be as well trained on the land as on board ship, had proposed this mode of employing them during peace. But though seamen only had in the first instance been employed on this service, it appeared that a different practice now prevailed. Landsmen were selected from the crews of the ships employed on the blockading stations; nay, it often happened that these landsmen were raw Irishmen, totally unacquainted with the manners of the country in which they were employed, and ignorant even of the language of the people they were required to hail. He would just mention a circumstance in which he had been himself a party. On going from Sandgate in a boat, for the purpose of landing opposite to his own house, one of the men employed to prevent smuggling stopped him, and not only insisted on searching a small trunk which he carried with him, but also his person. The man was armed, and there was no alternative but to submit. He desired that he might be taken before the commanding officer, who, on hearing the complaint, behaved with the liberality of a gentleman, and proposed to have the man punished. To that proposition he was, however, by no means disposed to assent; the man had acted under a mistaken idea of his duty, and it was not the man but the system he blamed. If such things occurred to persons in his situation of life, their lordships might easily conceive the vexations and dangers to which poor fishermen and other individuals might be exposed. He would wish their lordships to consider what advantage could be expected from the continuation of this harassing system. Supposing the blockading plan perfect, he believed that smuggling would still be carried on with as much activity as ever. While high duties existed, the temptation to contraband trade would be too powerful for any measures of repression. If the adventurers could be driven entirely from one part of the coast, they would carry on their trade on another. At present, the line of blockade extended from Sheerness to Portsmouth; but, in spite of this notable system, smuggling had increased, and, he believed, was carried on to a greater extent than ever, even on the most strictly guarded part of the coast. He understood that the motion he intended to make would not be opposed by the noble lord (Melville), and he should therefore dwell no longer on the subject. The whole system should be brought under the revision of parliament. The noble earl concluded by moving that there be laid before the house an account of the number of officers and seamen on board his Majesty's ships *Ramilles* and *Hyperion*, distinguishing the landsmen; also an account of the annual expense of the preventive service.

Lord Melville did not rise to oppose the motion, but to notice some part of what had fallen from the noble lord. He must observe, that the noble lord was completely misinformed if he believed that any orders had been given to officers employed on the preventive service calculated to annoy or molest his Majesty's subjects when not offending against the law. There never was an order given which could justify any man in firing on persons engaged in peaceful avocations. Not only was there no such order, but the men employed on the service had been strictly enjoined never to resort to violence, until they were themselves at-

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tacked. But nobody would say, that if persons lawfully employed with arms in their hands were attacked, they were not entitled to defend themselves. Upon the unfortunate night in question, notice had been received that there were bands of smugglers on the coast to the westward of the station where the accident occurred. A communication to this effect had been passed along the whole line, and it appeared that, in a moment of flurry and agitation, one of the men had acted in direct disobedience of his orders. He did not mean to contend that persons employed on such a service as the coast blockade might not act improperly; but it was absolutely necessary that armed men should be employed to put down large bodies of armed smugglers. Before the present system was established, troops were employed to watch the coast; and then persons in boats were liable, in the same manner as now, to be fired upon for not bringing to, or not answering when hailed. The employment either of troops or seamen was indispensable. The noble lord was likewise in error in supposing that smuggling was carried on to a greater extent now than formerly. In answer to the observation that the men employed in the preventive service were not seamen, he could assure the noble lord that there was by no means an undue proportion of landmen in the service. There was no article with regard to which he had so much objection to a reduction of duty as that of spirits, which acted as a poison on the lower classes; but there was no alternative between the lowering of the duty to a great extent and the employment of an armed force of some kind or other.

The Earl of Liverpool, from his residence on the Kentish coast, had opportunities of knowing some facts relative to the subject under consideration. With regard to the point immediately before the house, he would in the first place observe, that in the course of the twelve years which had elapsed since the present plan for the prevention of smuggling was adopted, the unfortunate accident to which their lordships' attention had been called was the only instance of the kind which had occurred; and this accident had taken place in consequence of the man's having acted in opposition to instructions expressly given. One accident could be no argument against a system. With regard to the effect of the system, he could answer, that in respect to revenue it was necessary. If their lordships wished to prevent smuggling, there were only three means to which they could have recourse. It was necessary to employ a naval force, or a military force, or to lower the duties. Now, as to a military force, he thought that the constitutional jealousy of noble lords with regard to it, would lead them to prefer the employment of seamen. With regard to lowering the duties, leaving the article of spirits subject to the observation made upon it by his noble friend, he would only say, that any great diminution of revenue must be made up by a mode perhaps not very agreeable to noble lords—by direct, instead of indirect taxes. The system of blockade which was established by a respectable officer already alluded to, had been effectual beyond the expectation of any of the persons who turned their attention to it at the time of its formation. The noble lord had observed that this system only served to divert smuggling from one part of the coast to another; but that remark was

not correct. The first great object was to drive smuggling away from the narrow part of the channel. If this only were accomplished, much would be gained, since ten cargoes were attempted to be smuggled in the narrow part of the channel for one in the broad. Under the officer who originally established the system, it had been carried on with the greatest mildness and propriety. Having been in the neighbourhood of that officer's station at the time of his management, he could assure their lordships that no individual was ever more beloved and respected for his general conduct. He had no objection to the production of the returns called for.

Motion agreed to.

## LAW.

### Courts at Westminster.

COMMONS, MONDAY, APRIL 17.—Mr. Abercrombie presented a petition from Mr. George Farquharson, a gentleman who, for twenty years, had been engaged in reporting the proceedings of the Court of Chancery. He complained that, in consequence of the recent changes made in that court, he was excluded, on Friday and Saturday last; whereby he was prevented from performing his usual duty of reporting for the *New Times*, and of reporting causes for suitors, as he was accustomed to do; and that, if such a course should be persevered in, he should lose a considerable sum of money. On applying at the door of the New Court for permission to enter, he was informed that an order had been made for the exclusion of reporters. He could not suppose that any such order had been made, for there was no reason why this court alone should be the only one in England from which reporters were excluded, or why the suitors of the court should be deprived of that which it was a great advantage to have,—namely, an accurate report of the proceedings of the court.

The Solicitor-General said, that certainly the New Court was not the very maximum of perfection, as regarded the accommodation of either the legal profession or the public; but he was satisfied that if any reporter had been excluded, such exclusion did not originate with the head of the court.

Mr. Scarlett said, that if the house was disposed to lend a willing ear to the case of the reporters, he hoped they would not be unsatisfactory of the accommodation of the public; and he must say, that a more contemptible attempt at a court of justice was never yet seen, than the new Court of Chancery. In fact, it was more like a shop or a place of shew for a popular exhibition, only that it was too small even for such a purpose. The accommodation for the bar was extremely slight, that for the public still worse. All the defects of the old court had been followed in the new, without any improvement. In the Court of Exchequer, it would hardly be believed with what assiduity every one of its defects had been copied; whatever inconvenience there was about the table, such as the seats at one side and the steps at the other; all the defects were copied with the most curious precision (a laugh). The large useless gallery behind the judges was also copied; the space, which might have been adequate, was frittered away, and the public money had been expended in the most frivolous man-



ner. He did not mean to speak disrespectfully of the architect who had the management of the work; but it was obvious that much space, which might have been better and more advantageously employed, had been thrown away on passages, galleries, and contemptible ornaments, which were disgraceful to courts of justice (hear, hear). The public had been put to an enormous expence.

The *Chancellor of the Exchequer* said, he could not remain silent after the strong language made use of by the learned gent. who had just sat down, reflecting on the professional character of the eminent architect who had projected these works. Five or six years ago, when the project was first commenced, it was considered indispensable that between all the courts there should be a direct communication. For all this accommodation there was a very confined space. It was impossible for Mr. Soane to consult all those gentlemen in the legal profession who had formed opinions on the subject of building; but he had frequent communications with the judges, and all their suggestions he carried into execution. With respect to the learned gent., he (the *Chancellor of the Exchequer*) had the honour to attend him all over the works, had directed Mr. Soane to call upon him, and had explained all the plans, and he had flattered himself that the learned gent. was quite satisfied that every arrangement and alteration suggested had been carried into execution, that was not incompatible with the wishes and opinions of the chiefs and other judges of the courts. The passages, so far from being objectionable, were indispensable as a means of communication. Mr. Soane's hands were tied up, so inadequate to the purpose was the space allotted; and he did not believe that any other man in England could, out of such a space, have afforded so much accommodation.

Sir *M. Ridley* expressed his disapprobation of the mode in which public works were carried on. When a public building was about to be erected, plans and models ought to be submitted from the various artists generally—the thing should be thrown open to the public; for, according to the existing state of things, it was impossible for any architect to be employed, unless he was connected in some manner with the Board of Works, as it was called.

Mr. *Ridley Colburne* said, that with respect to plans and models, none but young artists could present them, for the more experienced and distinguished were occupied so constantly, that they could not have leisure for such a course.

Mr. *Holme Sumner* said, that the orders Mr. Soane had received were peremptory; the space was not sufficient for the object, and that gentleman ought, therefore, to be exonerated from blame. Last year, a committee was appointed to examine into the means of improving the accommodation of the committee rooms of that house. He was sorry the suggestions of that committee had not been attended to. The committee stated that the rooms up stairs were quite inadequate to their purposes. They recommended the addition of twelve committee-rooms.

Mr. *Abercrombie* was glad to find that no order had been given for excluding reporters from the Court of Chancery. The presenting of Mr. Farquharson's petition would, at least, be the good effect of preventing the authority

of a judge from being abused by those who say they act under his directions (hear, hear). The petition was laid upon the table.

### *Mr. Kenrick.*

TUESDAY, FEB. 14.—Mr. *Denman* wished that the entry on the journals of last session relative to this case, should be read. It was his intention to move, that on this day the house should resolve itself into a committee, to investigate this subject farther; and then, in that committee, he would proceed to examine witnesses.

Mr. *Denison* said, he had just seen the individual alluded to; and as he did not know whether the charge would or would not be entertained this day, he was not prepared with counsel to meet it. He (Mr. *Denison*) begged leave, under these circumstances, to suggest, that the discussion should be adjourned until Thursday next.

Mr. *H. Gurney*:—It did appear to him that the House of Commons of England, which at this moment was engaged in the consideration of matters of the most pressing and portentous nature, ought not to have its attention divided by the introduction of this inquiry. Was it proper, at such a time, that, night after night, the Commons of Great Britain should be compelled to waste their time in hearing the story of a Surrey justice and the fleece of a ram (laughter)?

Mr. *W. Lamb* could not avoid expressing the very strong objection which he entertained against going into this inquiry at all. The case, so far as he could comprehend it, was, that the accused party had, without sufficient grounds, committed an individual for felony. Admitting that to be the fact—supposing, for argument's sake, the individual to have been actuated by vindictive motives—still, he contended, that this was not the place to institute a prosecution, or to seek for redress. Every case of injury, which the complaining party had the power of prosecuting in a court of law, would be brought before parliament, if this system were once tolerated. If it were difficult to proceed at law, then the proper course for the house would be, to render the law accessible to all, instead of entertaining subjects of this kind, and thus bringing under the jurisdiction of the house so many different questions as the purview of such a charge must give rise to. He did not think that this was the constitutional course; and of all things, he viewed with the greatest alarm a judicial sentence passed by a popular assembly. If that house proceeded to pronounce sentence of condemnation on individuals, they would, in the end, shake the whole system of constitution and law, and lay the foundation for violence and injustice. Of late years motions of this kind had been made, which, as they enlisted the feelings of men, were exceedingly dangerous. Last session a motion was submitted to the house relative to the case of Mr. Smith, of Demerara. The house was called on to vote a condemnatory address; and, in support of the case, documents were adduced as evidence, not one word of which would have been received as evidence in a court below. Any precedent of this kind he considered most dangerous; and therefore



he advised the house to proceed no farther in this business. It would be better to put up with it than to encounter the peril.

Mr. Brougham, with respect to the evidence adduced in the case of Mr. Smith, admitted there was one document which would not have been received in a court below in this country. But the document and other evidence on which that case was founded, had been received in Demerara (hear). He did not know of even one document which had been laid before the house, that had not previously been produced on the court-martial by whom that unfortunate gentleman was tried.

Mr. Peel felt, very strongly, the observations of his hon. friend (Mr. W. Lamb); and, had this been an original motion, perhaps he would have acceded to his hon. friend's view of the case. But as the inquiry had been already entertained, he thought there would be considerable difficulty in stopping where they were. Therefore, in his opinion, the inquiry ought to go on.

Lord J. Russell wished to state what his own impression was, with respect to the constitutional part of this subject. It was a part of the constitution, that judges should only be removable for partial or improper conduct; and it seemed to him quite clear, that when a serious stain was thrown on the character of a person in a judicial situation, it was the duty of that house to inquire whether the imputation was well-founded (hear)—and whether the individual was fit to exercise the high and very important functions attached to his situation. This was due to the constitution of the country and to the judges themselves, whose respectability alone could be supported by the general opinion which the country entertained of their uprightness and integrity (hear). Whether a court of law was or was not open to the complainant, was a matter of little importance in this case (hear). The redress granted in a court of law was redress to the individual for the injury he had suffered. But when the subject came before that house, it was not for compensation to the individual: the question then was, what step should be taken for the sake of the public, with respect to a judge who was charged with having violated the principles of justice in a transaction between man and man (hear)?

The entry in the Journals was then read. It set forth that a charge had been made by a member of the house against W. Kenrick, Esq. one of his Majesty's justices of the great sessions of Wales, for having committed to prison, on an accusation of felony, a labouring man, named John Franks, without sufficient proof of the same; that the said John Franks was acquitted by the jury, on the same evidence which formed the ground of his commitment; that during the period of his imprisonment, Mr. Kenrick applied to the said John Franks to plead guilty, promising, that if he would do so, he (Mr. Kenrick) would procure him a favourable sentence. And that the said Mr. Kenrick did afterwards write a libellous and calumnious letter, of and concerning the said John Franks.

Mr. Denman was astonished at the observations of the hon. gent. (Mr. W. Lamb); for he thought it was impossible for any man who had read the first page of the History of England, to doubt for a moment that it was the duty of parliament to inquire into the conduct of judges (hear). Were they to pause in exercising that power, when there was an abuse of the situa-

tion of judge, because his acts were amenable to the law of the land? The very fact that they were contrary to the law, was an aggravation of the offence. If any man really entertained doubts on this subject, he should like them to be expressed. He was anxious to be fully informed on this topic. He thought the house acted most properly in entertaining this inquiry last session; and he was sure that they would be guilty of an abandonment of a most sacred duty, if they did not proceed with it now. He then moved, "That the house do resolve itself into a committee of the whole house, to take the said charge into consideration on Friday next; and that Mr. Kenrick have notice that the house will resolve itself into the said committee, that he may appear by himself or counsel."—Agreed to.

FRIDAY, FEB. 17.—Mr. Denman moved the order of the day for the house resolving itself into a committee upon Mr. Kenrick's case.

On the question that the Speaker do leave the chair,

The Speaker intimated that there were two modes of going into a committee upon an inquiry of this nature. If they went into a committee of the whole house, comprehending the larger question, and without any restrictive instructions, their duty would not only be to inquire fully by evidence, but to come to resolutions of opinion upon facts which were afterwards to be presented to the house. If, on the other hand, the committee were only instructed to go into evidence, they would be restrained from pronouncing any opinion upon that evidence, and would simply have the duty of reporting it afterwards. The house ought now to determine which of these two courses they deemed it advisable to take, both for their own convenience and due observance of forms, and also to govern the line of defence of the party supposed to be implicated. If the committee went at large and unrestrictedly into the inquiry, then the party could be fully heard by counsel in that committee. If, on the contrary, they limited their labours to the receipt of evidence, then counsel could not be heard (except for the cross-examination of witnesses) till after the house resumed, and took further cognizance of the proceedings.

Mr. Denman said, that it was his wish, in justice to all parties, that the committee should enter into the fullest inquiry, with a view to adopting some resolution, and that both Mr. Kenrick and his counsel should be present, and be allowed every opportunity to watch over the proceedings, and be heard in their defence. This was the course he should move for in the committee.

After some discussion this course was ultimately pursued.

Mr. Wm. Lamb, after repeating the observations he had made on the 14th, moved "that the house do not proceed further in the case of Mr. Kenrick."

Colonel Wood, in seconding this amendment, entirely concurred in the reasons upon which it was founded. He was quite at a loss as to what upon what public conduct, either as a magistrate or a judge, the inquiry was to be sustained. They ought to be careful how they set such a dangerous precedent over a man's private life.

Mr. Peel:—Were the case entirely a new one, and now brought forward for the first time,



he should feel much disposed to concur in opinion with his hon. friend (Mr. Lamb), that the proceeding was inexpedient. But he could not come to that conclusion now. They had already permitted the charge to lie on their table; they had so far committed themselves to inquiry, and the learned gent. had consented to postpone that inquiry at his suggestion from the last session. In candour, therefore, he could not now interpose an obstacle. He did not, however, see that this was exactly a private or domestic transaction, with which it was clearly beyond their province to interfere. No doubt the learned gent. meant to impute malice to Mr. Kenrick in Franks's case, and in the discharge of public duty (hear).

Mr. Scarlett pretty much agreed with his hon. friend (Mr. Lamb) in his character of the charge, and also in his estimate of the difficulties that surrounded it. The ordinary tribunals of the country afforded sufficient remedies: but if the house declared Mr. Kenrick not guilty, and Franks afterwards appealed to a jury, who took the exactly opposite view of the matter, see then the situation in which the house would place itself in the public estimation (hear).

Mr. Sturges Bourne concurred in the observations of the learned gent. (Mr. Scarlett). With respect to the malicious prosecution, it was remarkable that another magistrate took the same informations, and a grand jury found the bill. The libel did not appear to have been promulgated in his character of magistrate or judge. The former charge (Canfor's) concerned his conduct as a magistrate, and was entirely different from the present. This was solely an inquiry into the moral character and actions of the individual, and as such a most dangerous precedent (hear).

Mr. Denman said, that he must be permitted to express some degree of surprise at the course now taken by some hon. members, after the charge had so long remained on the journals of the house. If these gentlemen condescended for a moment to consider what were the facts connected with the charge, they must at once see that the scope of his motion was as distinct as possible from any reference to a mere private or domestic act. Mr. Kenrick had thought proper to apply for a criminal information against a newspaper for some comments upon his magisterial conduct, and he put in several affidavits, in one of which was this gross libel upon Franks. Was this private proceeding, or were the materials of accusation taken from an opponent? No, they were publicly and voluntarily furnished in a Court of Justice by Mr. Kenrick himself. They were, in consequence, repeated through the thousands of newspapers throughout the country. To say of a proceeding founded upon such conduct, that it was an inquisition into a man's private and domestic life, was very much like a perversion of fact. He was also surprised at what had fallen from his learned friend (Mr. Scarlett), who had warned them against proceeding, because it was possible they might decide one way, and a jury afterwards another. If that argument were valid, there would be an end altogether to parliamentary control; for this might happen in almost every case in which their jurisdiction over the judges might be exercised. What mitigation was there in this case? Here was a man who first prosecuted his neighbour as a felon, and then, failing in the attempt, afterwards endeavoured

to run him down by a libel, stating falsehoods to his prejudice. Ought such a person to be permitted to continue in the administration of justice? If they were prepared to admit this, and make such conduct a stepping stone to promotion, or a protection for guilt, let them avow that determination in the face of the public, and dispose of his motion as they pleased. So long, however, as he had a seat in the house, he was determined to do his duty. The argument of some hon. members would go this length—that all propriety, all moderation, all decorum might be banished from the bench, without requiring the interference of that house. Would this indifference on the part of the house render the office of judge more respectable in the estimation of the public? By the act of settlement it was the duty of the house to examine the conduct of judges if notoriously improper, even on matters which affected their private character.

Mr. Scarlett would admit that the private conduct and actions of judges might in some cases become the subject of parliamentary inquiry, but these were extreme cases. If a judge was guilty of a libel, the law would reach him as well as any other person; and where that remedy might be had, he did not think, except in extreme cases, the house should interfere in matters affecting private conduct.

Mr. S. Wortley admitted that the house might be called upon to interfere in certain cases, but the present was not one of them. According to the statement of the learned gent. (Mr. Denman), the first two parts of his charge were not offences of Mr. Kenrick, nor offences at all. It was another magistrate by whom the man was committed. And as to inducing a man to plead guilty, it was a thing done every day. What was more common than the asking a man accused of forgery to plead guilty to the minor offence? He objected to this motion, because he thought it would establish a bad precedent. He should be sorry to see the House of Commons made judges of libel. The house took that office with respect to its own privileges, though he did not think that even in such a case they were at all times the best judges. God forbid, however, that they should ever become the judges of the question of libel in other cases (hear, hear), for he considered that they would be the worst possible judges of such a matter. From the very nature of the case, they must be the most prejudiced (hear, hear). He would therefore advise the learned gent. to let the question of libel be decided by a jury of twelve men, and then, fortified with their verdict, if he should obtain it, let him come to that house with a motion as to the conduct of Mr. Kenrick.

Mr. Abercrombie said, the doctrine held by the hon. members who opposed this motion would have the effect of shutting out the exercise of one of the most valuable of their privileges. Was it denied that the judges, who had to decide on questions affecting the lives and property of the King's subjects, ought to be men of pure and unblemished character; and if this was important to the due administration of justice, was it too much to ask that inquiry should be made when charges affecting the character of a judge in a very serious matter, though not in his judicial capacity, were brought before the house? This case was only the following up of that part which they had before them last



session. Taking the two cases together (should the present charge be made out), the question would be, was the conduct of this gentleman, on the whole, such as that no minister would recommend his appointment as a judge; and if not, ought he to be continued in that situation? He did not mean to say it followed that because he could not now be recommended to the office he ought therefore not to be continued in it; but the question, as was properly remarked by the right hon. gent. (Mr. Peel), was one of degree; and it would be for the house, considering all the circumstances of both cases, to say whether they were such as should induce them to send up any address to the Crown on the subject of this gentleman's removal from office. As to the case itself, he would not go into it, but he thought it was almost impossible that any man could read the charges, and not say there was a case for serious investigation. He regretted, however, to find that it was viewed so lightly by some hon. members, or that they should feel disposed to throw so important a duty from their own shoulders.

Mr. Canning said, that judicial discussions were, of all others, those on which each hon. member was most likely to have his own separate opinion. Without, however, offering any on that now before them, he would briefly state the reasons why he should give his vote for the motion of the learned gent. (Mr. Denman). If this were the first time that the present subject had been introduced to the notice of the house, he might perhaps concur with those who thought that it was not of a nature which the house was called upon to entertain; but he could not forget, in the preceding session, when the learned gent. proposed to bring it forward, he (Mr. Canning) was one of those who concurred with his right hon. friend (Mr. Peel) in requesting the learned gent. to postpone it.

Mr. Denison said, that he had just received a communication from Mr. Kenrick, stating that he was quite ready to meet any investigation into his conduct.

Mr. C. W. Wynn observed, that if the hon. member (Mr. Lamb) pressed his amendment to a division, he should vote for it. He could not concur with those hon. members who thought that this charge was a necessary sequel of the charge of last session. They were quite distinct, and he thought it would be injustice to Mr. Kenrick for hon. members to allow their opinion on this case to be influenced by what took place on that occasion. The ground on which the case of last session went was, that if it could be proved that this gentleman had acted improperly in his character as a justice of the peace, that ought to be a reason why he should be considered unfit to fill the higher office of a judge. The transaction in the present case did not affect him in his public capacity, but had reference to him solely as a private individual, for which he was liable, if he were in fault, to be called to account before the ordinary tribunals of the country. Would it not be a much better course for the house to confine itself to cases where guilt had been proved by the ordinary tribunals? He did not mean to say that there were not cases in which the house would be called upon to interfere, before any inquiry by the courts of law; but these were extreme cases, and it was most desirable that the principle applying to them should not be extended. He could not at all concur in the observation

of the learned member (Mr. Abercrombie), that if the character of an individual were such as that no minister would recommend him as a judge, that therefore (he being already a judge) he should not be allowed to continue to fill that situation. A judge held his situation *quandiu se bene gesserit*; but the reasons for which he might be removed were in general founded upon his conduct as a judge. He did not say that cases might not arise out of his private conduct which would justify his removal; but the charge before the house, was not, in his opinion, one of that description. Taking it for granted for a moment that the whole of the charge now preferred was clearly made out, he did not think it would justify the house in agreeing to an address for Mr. Kenrick's removal. He did not think that the postponement of the matter by general consent last session, implied a sanction of the propriety of its introduction in the present. Even after the charge was laid on the table, and the attendance of witnesses ordered, he thought the house were not precluded from reviewing their decision, and if reasons were shewn, from coming to a resolution to proceed no farther in the affair.

The house having divided, there appeared, For the original motion, 81—For the amendment, 42—Majority, 39.

The house then went into a committee (Mr. Gordon in the chair).

Counsel being called in, Mr. Gurney and Mr. Bolland appeared for Mr. Kenrick.

Henry Peters, Esq. was called in, and examined by Mr. Denman.—The substance of this gentleman's evidence (in answer to Mr. Denman's questions) was, that he is a magistrate of the county of Surrey, residing within about two miles of Mr. Kenrick, in that county. Some years ago (he thought about seven or eight) a daughter of John Franks was charged before him with stealing some property belonging to Mr. Kenrick. He did not remember having seen the girl, but he understood that she was about fourteen or fifteen years old at that time. When the charge was preferred, witness granted a search-warrant. There was no evidence whatever before him to implicate Franks or his wife in the charge against their daughter, or to show that they were abettors of the theft imputed to her. Witness had some sheep stolen from him at two different periods. Two years had elapsed between the first theft and the second. On the first occasion thirty-eight sheep were stolen. Some suspicion attached to Franks in consequence of a letter or paper which was known to be his having been found at the place from whence the sheep were stolen. In consequence, witness sent his bailiff to search Franks' house; but the finding of the letter was the only ground of suspicion against him. Soon afterwards the man who really did steal them was tried and convicted. Witness had no ground whatever for believing that Franks had any part in stealing the sheep. Witness received a letter in 1824 from Mr. Kenrick. It was, he believed, in August he had the letter, but it was not dated. (The letter was here produced). It was brought to witness by Mr. Kenrick's servant. Witness here read the letter, which was to this effect:—"My dear sir, I arrived here last night, and found a fair copy of the draught of an affidavit, which I had hastily thrown together a few days before I set out for the circuit. After I was made ac-



quainted with the attack made upon me in the *Morning Chronicle*, my solicitor recommended that I should apply to different parties, whom I had named to him, for affidavits as to the facts which I mentioned. I shall therefore feel obliged to you to peruse numbers 3, 4, 5, and 6, of the accompanying sheets, and also to make an affidavit yourself in confirmation of those parts which have come within your knowledge. I have some doubts as to those parts which relate to the two sheep; but you can send me the affidavit, and it may be used, if the facts are as there mentioned. I shall call on you to-morrow on the subject: pray return the affidavit." Witness added, that a part of the letter was cut or torn off in this place, and he could not make out any more of it.

Examination continued.—Witness did not see Mr. Kenrick in consequence of this letter; but he wrote an answer to it. Of that answer he did not keep a copy; but he had no doubt that Mr. Kenrick had the letter. The affidavit was returned with witness's answer, that he could not make any affidavit; for that he did not recollect any ground of suspicion against Franks, except that of the paper which he had mentioned.

After a cross-examination, in which nothing new was elicited, the witness was told he might withdraw, and Edward Arnold was called in, examined by Mr. Denman, and stated, that a person of the name of Bignell had been convicted of stealing the first portion of his master's sheep which were stolen—that he had lived in Franks's neighbourhood ever since the year 1811, and had never heard of any other charge having been brought against him.

John Franks was then called in, and examined by Mr. Denman, and stated that he remembered his daughter being taken before a magistrate on a charge of stealing some articles belonging to Mr. Kenrick; that loose articles were found in his house, in a small box in his bed-room; his daughter, who was a child of about ten years old, slept in the same room. The charge was dismissed. He himself (the witness) had been imprisoned for two months on a charge of stealing wool belonging to Mr. Kenrick. He never authorized his wife to interfere with Mr. Kenrick; never expressed gratitude to Mr. Kenrick for his conduct on that prosecution.

Mr. Gurney declined asking this witness any questions, and he was ordered to withdraw.

Mr. Denman said, that he should, upon the documents and evidence which had been laid before the committee, move that the charge had been fully proved, and that he himself was ready immediately to proceed to discuss the question; but he was afraid, from the inattention with which hon. gents. had treated the documents on this subject which had been laid before them last session, that he could scarcely hope at present to put the house so fully in possession of the subject as to enable them to form a correct opinion on the question.

Mr. Canning observed, that he believed the general understanding was, that evidence was to be received to-night, and the question discussed another day.

The counsel for Mr. Kenrick were here called in, and asked what course they intended to pursue?

Mr. Gurney said, he should wish, in the first place, to lay before the house one or two documents, viz. the depositions which had been

made before the magistrate against Franks, tending to charge him with stealing Mr. Kenrick's wood, and a letter written by Mr. Kenrick to the clerk of the peace for the county of Surrey.

Charles Lawson, Esq., the clerk of the peace for the county of Surrey, was here called in, and produced the depositions of two individuals taken before George Burgess, Esq., a magistrate of the same county, and which depositions were here put in and read. The substance of them was, that a piece of timber, which had been taken from a saw-pit belonging to Mr. Kenrick, had been found in Franks's garden.

In reply to questions put to him by Mr. Gurney, the witness stated, that whilst the prosecution against Franks was pending, he received a letter from Mr. Kenrick, which he produced, and which was then put in and read, and was to the following effect:—"Dear sir, I wish you would give me that advice which, from your long practical experience as clerk of the peace, you are so well enabled to do, on the following matter:—John Franks was committed to prison about three months ago on a charge of stealing a piece of timber belonging to me. I understand that this man has a large family, and is a member of a benefit society, by the rules of which he would be excluded if he should be convicted of felony, and the facts against him are so short and clear that his conviction would be certain; therefore, although I cannot say much for his character, still as his long imprisonment may perhaps have been a sufficient punishment for his offence, and may have had the effect of reforming him, I do not wish to proceed against him any further. Do you think the court would permit the prosecution to be discontinued, and the recognizances to be vacated?" The witness said he forwarded this letter to Lord Mitleton, who sent an answer to it to Mr. Kenrick.

Mr. Gurney stated, that he had brought forward the whole of his evidence; and, if the committee would permit him, he would now proceed to make a few observations upon it.

Mr. Denman thought it would be much better that the evidence should be printed before his friend, Mr. Gurney, addressed the committee, in order that hon. gents. might have an opportunity of considering it.

Dr. Phillimore agreed with Mr. Denman in thinking this would be the most convenient mode of proceeding.

Counsel were then ordered to withdraw.

The house resumed, and the chairman reported progress.

MONDAY, FEB. 20.—Mr. Denison said he had received a petition from Mr. Kenrick, with a request that it might be presented to the house. He (Mr. Denison) would, therefore, if the house should receive it, move that it might be printed, in order that it might be in the hands of members before the discussion on Mr. Kenrick's case.

The petition was brought up and read. It stated in substance that in 1816, a person named James Rose, came to Mr. Kenrick and informed him that two sheep, belonging to Mr. Peters, had been killed, and that a knife and a paper respecting the collection of taxes, both stained with blood, were found near the place, and were known to belong to John Franks. Mr. Kenrick told Rose to acquaint Mr. Peters with those circumstances. Rose did so; but



Mr. Peters declined to take any step in the matter. Under a conviction of the accuracy of what Rose had told him, Mr. Kenrick some time after, when he found it necessary to take proceedings on the subject of an attack made upon him in the *Morning Chronicle*, wrote to Mr. Peters, enclosing a draught of an affidavit made on the subject of Rose's statement, requesting that he would make an affidavit confirming it. To this Mr. Peters replied, that he had no recollection of the circumstance. Annexed was a copy of Mr. Peters's letter, and the petition concluded by praying that the house might take the whole case into their consideration, and do justice without delay.

The *Speaker* wished to know in what character this document was presented. It did not appear to him that it was a petition. The house was always disposed to allow great latitude as to what should be considered a petition. But the question here was, should this be considered as a petition, or as a statement in defence by this gentleman? If it were simply and exclusively a defence, the house would recollect that the party had already obtained leave to attend by his counsel, agents, and witnesses, and it might be a question how far this could now be received.

Mr. *Abercrombie* thought that this was one of the most extraordinary and irregular proceedings which could come before the house. The house had, in committee, gone into an inquiry on this subject, and permission was given to Mr. Kenrick to attend by his counsel and agents. He had had an opportunity of making, by his counsel, any statement he pleased, and of cross-examining the witnesses; but, after that, he now came with a request that the house would record a statement of the facts of the case in his view of them. But there was another ground on which he should object to this petition being received. It would be thought to be unjust to the respectable gentleman, Mr. Peters, whom they had examined, and whom Mr. Kenrick had an opportunity of cross-examining by his counsel to any extent he pleased, to allow this document, which went indirectly to attack him, to be circulated amongst members before the discussion of to-morrow evening.

Mr. *C. W. Wynn* said, it would be irregular to receive the paper in its present form, having a copy of a document annexed to it.

The *Speaker* said, that if the substance of the document were stated in the petition, the house would have power to call for the original.

Mr. *Denison* expressed his readiness to withdraw the petition, if it were the pleasure of the house.

Mr. *Peel* hoped, that in a case like the present, the house would feel disposed to wave any objection to points of form, provided the document were one which in its present shape was essential to the defence of the individual before them. But as there was another mode of coming at the document, he thought, under the double objection made to the petition, it would do the party no injury to have it withdrawn.—The petition was withdrawn.

TUESDAY, FEB. 21.—On the motion of Mr. *Denman*, the order of the day was read for taking Mr. Kenrick's case into consideration. The question for calling counsel was put and carried; and Mr. Gurney and Mr. Bolland were called in.

Mr. Gurney then addressed the house in defence of Mr. Kenrick. He commented upon the evidence which had been adduced against that gentleman, and contended that it wholly failed to support the charge which had been brought. The only thing which could, upon the most severe construction of the case, be urged against Mr. Kenrick, was, perhaps, that he had committed John Franks without a sufficient investigation of his guilt; but this was not a charge which involved any thing like criminality. The learned counsel went on to complain of the injury which Mr. Kenrick had sustained from the animadversions which had appeared, from time to time, in the shape of paragraphs in a morning paper. The learned counsel concluded by saying that he relied upon the good sense of the house—upon its justice—for the vindication of Mr. Kenrick's character (hear, hear).

Counsel then, by order of the house, withdrew.

Mr. *Denman* said that the period had at length arrived when it was permitted to him to expose in detail the grounds and principles upon which he had founded the present proceeding. It became the more necessary to do so, because, in the course of the preliminary debate, it was impossible to conceive a greater misconception than appeared to exist on this subject. In all that he had done, he was founded on the best and most important principles of the constitution. It was the duty of Parliament to watch over the conduct of the judges of the land, and when they were of opinion that any of them conducted themselves in such a way as to show that they were no longer fit to continue in the administration of justice, to address the Crown to remove them from their situations. In former times the commissions of judges were held during the pleasure of the Crown. Between the reign of James I. and the Revolution, the former tenure alone prevailed. Judges then were not removable on account of ill-behaviour, but only at the pleasure of the Crown. The consequences of this practice were most unfortunate for the due administration of justice; for it not unfrequently happened, that when judges performed their duty to the public in a way that deserved commendation, they incurred the displeasure of the Crown, and were removed from office. After the revolution, this practice was put an end to. It was enacted by the act of settlement, that the judges should continue in office *quamdiu se bene gesserint*. But they were still removable by the Crown upon an address for that object being carried up from both houses of parliament. In the act of the 1st of his late Majesty, the object of which was to render the judges still more independent of the crown, by continuing them in office in the event of the demise of the crown, a clause was also introduced, which made it lawful for his Majesty to remove any judge upon an address for that purpose being carried up from both houses of parliament. But it was impossible that the house could carry up an address to the throne for the removal of a judge, without instituting a previous inquiry to ascertain whether the individual had conducted himself in such a way as to bring disgrace on his office, and render him unfit to continue in the exercise of its functions. He had stated the tenure by which the twelve Judges of England held their offices; and that by which the eight



Judges of Wales held their's was precisely the same. The latter held their offices under the 34th of Henry VIII. which gave them the same power of holding all manner of pleas of the crown as the Chief Justice of the Court of King's Bench or any of the judges of that Court; and the same power of trying all actions, real, personal, and mixed, as the Chief Justice of the Court of Common Pleas, or any of the judges of that court then possessed. The Welch judges also exercised in Wales the same equitable jurisdiction as the Lord Chancellor exercised in England. The origin of this power he had not been able to ascertain precisely, but it was, he believed, founded upon custom. The great powers vested in the Welch judges furnished a reason for looking at their conduct with some degree of jealousy; and the mode of their appointment was not such as to render this the less necessary. Mr. Kenrick came before the house as a Judge of Great Session of Wales, and a magistrate of the county of Surrey. He also called himself Recorder of the town of Dover; but he believed that Mr. Kenrick had not yet received, in consequence of recent circumstances, the king's sanction to the appointment. He quite agreed, that this was altogether a question of degree. It would be for the house to consider, whether Mr. Kenrick's conduct had been such as to bring disgrace upon the administration of justice, and to render him unfit to continue longer in the exercise of his high office. In his opinion the conduct of Mr. Kenrick had been of that description; and he would endeavour to establish that position to the house, by stating and commenting on the facts of the case. It had been stated, that the newspapers had contained animadversions on the conduct of Mr. Kenrick, and his learned friend had been pleased to call those animadversions atrocious libels. The animadversions were published in August 1824, and between that period and Michaelmas following, Mr. Kenrick had to consider of the propriety of applying to the Court of King's Bench for a criminal information against the editor of the paper in which they appeared. It was a singular fact, that an English judge should have applied for a criminal information against the publisher of what had been styled atrocious libels, and that the court should have refused to accede to the application (hear, hear). Perhaps he might here mention a fact, almost as extraordinary, that the same judge had prosecuted his poor and unfortunate neighbour at the sessions for stealing a scrap of wood not worth twelve-pence, and that the court instantly dismissed the prosecution, and would not allow the prosecutor his expenses. Before any person applying for a criminal information could obtain it, he must deny distinctly upon oath the truth of the imputations contained in the libel or libels. The imputation which was contained in the articles published in the *Morning Chronicle*—(here he begged it to be understood, that he by no means approved of all that had appeared in that paper on the subject)—could not be mistaken: it was this—"You have prosecuted your neighbour because you wanted his land." This imputation Mr. Kenrick had not denied. He said that he did not tamper with Franks's wife for the purpose of dispossessing him of his freehold. Did he say that he did not prosecute him for that purpose? There was no such denial. Did he say that he did not send him to gaol for that purpose? There was no such de-

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nial. Indeed, in his letter to Mr. Collet, Mr. Kenrick admitted the truth of the imputation. In that letter he said, "About four or five years ago I offered him in exchange another house, &c., which he declined, and from that time to the time of his coming out of gaol I had never, directly or indirectly, treated with him, or made any offer, or in any manner endeavoured to purchase his cottage. I had bought another which answered my purpose, and was indifferent about either of them, otherwise than to get rid of a bad neighbour." What were the means to which Mr. Kenrick resorted, in order to get rid of this "bad neighbour?" He prosecuted him for stealing a dirty plank, of no value whatever, which Franks admitted to have found on his premises, but could not account for its being there, unless it had been placed there by some of his children. It was astonishing that any magistrate could have committed Franks upon such a charge. He did not mean to say that Mr. Kenrick exercised any undue influence upon Mr. Burgess, the magistrate; but when he went before him, accompanied by his two servants, to swear to the fact, his character of a judge must, he thought, have had some effect upon the decision of that gentleman, and induced him to agree to a committal, which, under other circumstances, he never would have consented to. In order to account for Franks being committed upon such slight evidence, Mr. Kenrick had undertaken to prove that he was a man of bad character, and therefore peculiarly liable to suspicion. It was only yesterday that Mr. Kenrick presented a petition to the house, in which he introduced an imputation about a bloody knife, as if the unfortunate Franks had been guilty of sheep-stealing. He had not ventured to swear any thing of the sort in his affidavit. In Mr. Kenrick's letter to Collett, in the *Stamford News*, he had resorted to one of the most cruel proceedings which it was possible to imagine. He had alluded to an offence committed by Franks's daughter when a little girl, ten years ago. The girl was now in service, but because her father happened to have incurred the displeasure of a Welch judge, the history of her past life was to be dragged before the public. The passage to which he alluded was as follows:—"I had, or rather my wife had, sent one of his daughters to school, and she was employed at needle-work, which occasioned her to have access to the house; various articles were missing—lace, stockings, clothes, silver-handled scissors, &c., were missing, belonging principally to the housekeeper; and much jealousy and suspicion was occasioned amongst my servants, till they all agreed on suspecting Franks's daughter, when they acquainted me with the circumstance, and I directed application to a neighbouring justice for a search-warrant, in the execution of which all the articles were found in a box in the bed-room of Franks and his wife under their clothes." The clothes were found in a doll's box. The only circumstance stated by Mr. Kenrick was, that they were found among Franks's clothes. They were slips of silk, a bit of lace, and other trifles, and were found beside the girl's bed. Now it was said, that this was before the late act for prosecuting abettors had passed. This was said to show that Franks would have been prosecuted as an abettor, if the act had passed (hear, hear). The next charge was—"I know Franks killed and stole two fat sheep belong-



ing to the same magistrate (Mr. Peters), though he would not prosecute." What! Mr. Peters the owner of the sheep, and yet would not prosecute. This was strange indeed, that the magistrate should wish to have a sheep-stealer near his premises. But was not the statement of Mr. Peters perfectly satisfactory? "I did lose 33 sheep, but the only ground for suspecting Franks was a paper found by the side of the fold, which evidently belonged to Franks;" which paper, being taken to Lord Rothes, he refused to grant a warrant against Franks, observing that any person going up the field, and taking his handkerchief from his pocket, might drop a paper out, which might be carried there by the wind. Mr. Peters actually found the real criminal afterwards, who was tried and convicted. Now came the fourth charge—"I have no doubt that Franks has been daily and nightly in the habit of committing thefts for the last ten years;" but not the slightest proof was brought forward in support of this assertion, and therefore he had, he conceived, an undoubted right to say, that the assertion was unfounded (hear, hear). This had been repeatedly asserted in the *Morning Chronicle*, and that journal justly set forth, in contradiction to the statement, the very excellent character given to Franks by the parties called upon his trial. Mr. Kenrick felt this, but in the criminal information for which he moved against that journal, and the affidavits of the three or four neighbours, whom he brought forward, not one word was said about Franks being a man of bad character. If the statement of Franks's having been a man of bad character was true; if Mr. Kenrick was right in stating that he (Franks) had for years been in the habit of committing nightly depredations upon the neighbourhood, why did not that fact appear upon the face of these affidavits? After the evidence which had been given at their bar—after the admissions made upon all hands, he asked any hon. member to put his hand to his heart and say whether there was not before him sufficient ground for the course of proceeding which he had felt it his duty to adopt? But it was said, and it was, he understood, true, that Mr. Kenrick had applied to Mr. Lawson, the Clerk of the Peace, to withdraw the proceedings against Franks, upon the score of his former good character, although he had, on a former occasion, stated that his character was a bad one. From what had transpired, it was clear that that gentleman (Mr. Kenrick) had involved himself in some such dilemma. In Mr. Kenrick's affidavit, he said that he had written to Mr. Lawson, the Clerk of the Peace, a letter, of which he kept no copy, stating, to the best of his recollection, how the said John Franks was circumstanced, and praying that the proceedings against him might be withdrawn, upon the ground of his previous good character (hear, hear). If the previous character of Mr. Franks was so good, why was he committed to prison upon such light and inconclusive grounds? Even if the charge of taking a slab of timber of such trifling value were true, why should a man of such character be committed to prison? And if his character of being a nightly depredator was true, why was he to be protected by the interference either of Mr. Kenrick or the Clerk of the Peace? Was it consistent with the duty of a magistrate—was it consistent with the character and dignity of a Welch judge, either to oppress an individual in the one case, or screen a guilty one in the other (hear)? Nay, more,

was it consistent with the character of such an individual, to keep back the witnesses necessary to support and prove a charge of felony? Why should this magistrate try to screen this nightly thief from the operation of the law, "if it could be done without his forfeiting his recognizances?" Was it not clear that Mr. Kenrick was, throughout, actuated by a wish to get rid of a person whom he considered a troublesome and inconvenient neighbour, and get possession by some means of his freehold? He would put it in this way—Mr. Kenrick having this object in view, thought he would best accomplish it, first by getting Franks into prison, and then letting him know that he would best relieve himself by pleading guilty to a charge of which he knew himself innocent. By this means his little freehold would become forfeited to the Crown, and being close in Mr. Kenrick's neighbourhood, every man knew how possible it was for a person so desiring, to get possession of it. He maintained that there was abundant proof of such an intention on the part of Mr. Kenrick. In his letter to the goaler of the prison in which Franks was confined, he said, "Sir, I shall be obliged to you to inform me in what manner John Franks, committed by Mr. Burgess, for stealing a plank, my property, has conducted himself, since he has been in your custody. The facts of the case are so short, and so clear against him, that I cannot suppose he can entertain any hope of acquittal. I have no animosity against him, and if I find he has conducted himself with propriety since he has been in your custody, and is ready to acknowledge his guilt, and is sensible and sorry for his misconduct, I shall be ready to do all in my power to induce the court to be as lenient to him as it can be when convicted, or he shall plead guilty" (hear). He (Mr. Denman) was amused when he first received this pompous promise of an effort to mitigate the sentence of the court upon an admission of guilt. It was in substance saying, that if Franks would only confess his culpability, he might escape, perhaps, some seven or fourteen years' transportation. This attempt to extort a confession of guilt was, in his view, without a parallel. In another place, when the unfortunate prisoner mentioned what was likely to be the conduct of the benefit-society to which he belonged, in the event of his conviction, Mr. Kenrick said he would use his efforts to procure the most lenient sentence, upon an avowal of guilt: the offer was refused with the indignant feeling of an innocent man. If all which he had stated was true, and they had undeniable evidence of the facts, was it not a public scandal to continue Mr. Kenrick any longer in the high and important office of an administrator of justice (hear, hear)? He had been told, that he being himself a lawyer, and in a certain degree in the administration of justice, ought not to bring forward a motion like this. But whoever maintained such a principle, must be prepared to follow it up with a proposal to exclude all lawyers from that house (hear, hear). Lawyers, in his opinion, were, from their profession and from their habits of thinking and inquiring, the most proper to agitate inquiries like the present (hear, hear). The house had heard of the criminal information moved for in the Court of King's Bench by Mr. Kenrick against the *Morning Chronicle*, and the grounds upon which that motion had been refused; and, gracious God! was it right after that to continue Mr. Kenrick



in the magistracy and in the administration of justice (hear, hear)?—The hon. member concluded by moving, "That it is the opinion of this house, that the charge preferred against W. Kenrick, Esq., one of his Majesty's Justices of the Peace, and also a Justice of the Great Sessions in Wales, has been fully established in evidence, except inasmuch as it is imputed to him that he offered to withdraw the proceedings against the said John Franks, upon the ground of his previous good character."

The motion having been seconded,

The *Attorney-General* confessed, that, after all that he had heard, he felt bound to come to a conclusion very different to that at which his learned friend had arrived. He felt that his learned friend had no right to bring into that house one grave and specific charge, and then turn round and call upon them to convict the accused party upon another (hear, hear). His learned friend stated, that he did not wish to proceed upon his first charge against Mr. Kenrick, but that there was another and a graver offence of which that gentleman had been guilty. The original charge was, that Mr. Kenrick had preferred a charge of felony against Franks, and, without sufficient evidence, had him committed and brought to trial. But no proof of malice was given; and the theft, however trifling, having been proved to have been committed by some part of Franks's family, it was a case which was fit to be sent to a jury. No proceedings, either civil or criminal, could be instituted for prosecuting an individual without sufficient proofs, unless malice or other improper motives could be shown. And were they, without any such evidence before them, to proceed thus harshly against a gentleman filling such important situations as Mr. Kenrick did? There was nothing in the evidence against Mr. Kenrick which might not be held equally good against Mr. Burgess, the committing magistrate in this case, a gentleman against whom not even the slightest suspicion had been or could be fairly entertained. It was admitted on all hands that the property had been taken by some of Franks's family, and the conduct of the different branches of that family was of a nature to excite the strongest suspicions. When the bailiff or servant of Mr. Kenrick first proceeded to Franks's, he measured the slab of timber and returned to his master. On his going there a second time, the wife of Franks asked him, in a bullying tone, what business he had there? and added, before a word respecting Mr. Kenrick had been spoken, "That the timber did not belong to Mr. Kenrick." The son of Franks, too, a lad of about 14, blustered and said, that the piece of timber had been the property of his father for years. To this, the servant of Mr. Kenrick answered by cutting a piece of the slab, and pointing out that, from its green state, it could not have been more than a month cut (hear, hear). It was not asserted now, that the father stole the timber, but the conduct of his family was of a nature to cause a suspicion that it had been taken by some of his family, with his privity (hear, hear). Now, with respect to the cottage, what was the evidence upon that subject? Why, Mr. Kenrick stated, that at one time he had offered to purchase the cottage; but that afterwards, on Franks's refusal to sell it, he had abandoned the intention six years since. Yet, although such was the fact, it was

now stated that he had instituted this proceeding against Franks for the purpose of obtaining possession of this cottage. So much, then, for the first part, which, he thought, had been negatived by Mr. Kenrick's testimony—to impeach which, not even an attempt had been made. This brought him to the consideration of the second part of the charge: that which imputed to Mr. Kenrick that he had published a libel on the character and conduct of Franks. Now, that it was a libel, was yet to be proved; and he had always understood that the burden of proof lay upon the prosecutor. A man was not bound to clear himself from a charge not made out against him by the public prosecutor (hear, hear). Even though that charge had been made out, he apprehended there was no great crime in writing a letter to a private connexion, in explanation of a circumstance respecting which he had requested information. Mr. Collett had written a letter to Mr. Kenrick, and this alleged libel was the letter written in answer to that of Mr. Collett. Before he adverted to the terms of this letter, he wished to call the attention of the house to part of the evidence relating to the question whether it had been published by Mr. Kenrick. The fact was, that it had been published by Drakard, under the direction of Mr. Collett; but Drakard did not state that he had been authorised by Mr. Kenrick to publish the letter. The attorney for the *Morning Chronicle* had called on Mr. Kenrick, and had asked him whether that letter was his—not whether it had been published by his authority or with his knowledge, but whether it was his—and Mr. Kenrick refused, as he was at liberty to do, to answer the question. Mr. Collett, on being applied to, said he would not give up the original, and he himself would take the consequence. In his opinion, there was no evidence whatever of authority for publication. Mr. Collett's letter to Mr. Drakard, was—

"DEAR SIR—Upon reading your statement of the transaction between Mr. Kenrick and a poor man at Betchworth, I wrote to him for the particulars, as I did not conceive it possible, from my intimate knowledge of him, that it could be any thing near true; the inclosed is his answer. You will see what dependence can hereafter be placed on the *Whig Chronicle*, from which your statement is copied, and will, I am sure, be glad of the opportunity of repairing the injury you have done, by inserting his letter in your paper. I am, truly yours,

"RUSSELL COLLETT.

"Mr. Drakard, Stamford."

"DEAR SIR—The account in Drakard, is the reverse of truth. I do not think it became me to enter into controversy with the editors of any Newspaper, or to notice their scandal. I heard of the paragraph in the *Chronicle* only two days before I left home, and drew out a sketch of the affidavit I proposed to make, as the foundation for a criminal information, or instruction, for an action against the Editor, and those of other papers who should publish any copy, and left it with my solicitor in town.

"I am, dear Sir, yours truly,

"W. KENRICK."

When there was no evidence that that letter had been published by the authority of Mr. Kenrick, was it for this house to take notice of it, written, as it had been, under such peculiar circumstances? Did his learned friend mean



to say that Mr. Kenrick was bound to give evidence to shew that he had no concern in the publication? But after all, suppose he had, was it not too much to say, that when he was goaded as he had been, day by day, he was to be strictly called to account, because, in a moment of irritation, he had gone beyond the letter of what was capable of proof? What were the charges in this letter? One related to a petty theft committed by the daughter, in which the father was stated to have been an abettor; and which could hardly have been concealed from the knowledge of her parents. With respect to the sheep, the charge must be admitted on the testimony of Mr. Peters to have been unfounded. But though that charge was not true, it did not follow that Mr. Kenrick might not honestly have believed it at the moment. He said this in justice to Mr. Kenrick, or he should rather say, as declaring to the house his own impression on the subject. One point of evidence he had omitted, which regarded the conduct of Mr. Kenrick after Franks had been committed to prison. It was suggested in the *Morning Chronicle* that Mr. Kenrick, after five or six weeks had elapsed, found himself in an awkward situation, and was desirous to get out of it. Now, the evidence on that point shewed that a few days before the sessions commenced, Franks's wife applied to Beale, to intercede with his master on behalf of her husband, and, on his representations, Mr. Kenrick said he would write to the gaoler to know how Franks had conducted himself; for that if he had manifested any signs of contrition, he (Mr. Kenrick) would take care the sentence should be lenient. Franks's wife said, that the leniency of the sentence would be utterly unavailing, for that Franks was a subscriber to a benefit-fund, and that, if he was convicted, he would, by that conviction, forfeit all title to relief from it. Mr. Kenrick then said, he would interfere to prevent the prosecution being pressed. Under similar circumstances, what gentleman was there in this house that would not do the same? Franks had already suffered punishment, which Mr. Kenrick deemed sufficient to have reformed him, and Mr. Kenrick, therefore, to prevent his conviction taking place, wrote a letter to the clerk of the peace. His learned friend had said, that Mr. Kenrick ought to have persevered strictly in the prosecution. From that opinion he differed. The two witnesses were bound to appear, but there was no such obligation on Mr. Kenrick, and he was therefore fully at liberty to say, that the witness who was under his control, and whose testimony was most material, should not attend the trial, and that he would not employ counsel against the prisoner. When the case was called on, as there was no counsel to press for a conviction, nor any witness to give testimony, Franks was discharged. Was this too to be imputed to Mr. Kenrick, as proceeding from a corrupt and hostile motive towards Franks? The statement that Mr. Kenrick was desirous Franks should plead guilty, could not be reconciled with the fact that he would not pursue the prosecution, and that he kept back a witness who could swear to that most important circumstance, of the slab having been in Franks's possession. This was the last charge against Mr. Kenrick, and this, he thought, was answered as fully as the others. Before he sat down, he would allude to the prejudice which had gone abroad against Mr.

Kenrick, upon what had been done in the Court of King's Bench. It was generally supposed that the Judges of that Court had investigated the matter, and had given their judgments against Mr. Kenrick on the merits of the case. Such was not the fact. One counsel only, and that counsel employed for the defendant, had been heard, when the Court decided the question on a ground foreign to the merits of the question. Their ground of decision was, that upon the circumstances under which the alleged libel on Mr. Kenrick had been published, that gentleman had his remedy by indictment for libel, to which they would leave him. As to the costs, when the Court were asked to grant them, their lordships said, that if the defendant insisted on having his costs, they must hear the other side, and the question of costs, therefore, was not pressed upon them. The present charges had not been made out, and he should, therefore, give his decided negative to the motion.

Mr. Denman, in reply, said his opinion was not in the least altered: he attributed the feeling manifested in the house to annoyance at the length of the proceeding, and therefore he should not press the matter farther. He had done what he thought necessary, and he should rest satisfied with that discharge of his duty.

The motion was accordingly put, and negatived without a division.

### *Licensing System.*

FRIDAY, MARCH 17.—Mr. Estcourt moved for leave to bring in a bill for the better regulation of the licensing of alehouses. He observed that his object was to make two or three alterations in the act of 3 Geo. IV. c. 77, now about to expire. The first of them had reference to the general licensing day. That day generally took place in September, but was often adjourned upon insufficient notice, which occasioned much disappointment. Now he intended that the magistrates should hold the licensing day, as they did at present, in September, but that they should only adjourn it upon ample notice to all the magistrates. He should also propose that the present practice with respect to signing licenses, should be changed. He understood that if there were 30 magistrates present, two only signed the license. He would suggest, that instead of this the names of all the magistrates present should be inserted in the body of the license, and that the majority of them should sign it.

Mr. Hume seconded the motion, and recommended to the hon. member to follow the example of the rt. hon. Secretary (Peel), and at the same time to consolidate, by his proposed bill, all the existing acts relative to the licensing system. He should be glad also to see introduced into the bill a clause which would ensure a license to every respectable person who could obtain a certificate from the minister of the parish and a certain proportion of the inhabitants.

Leave was given to bring in the bill.

THURSDAY, APRIL 13.—Mr. Hume rose to present a petition from Thomas Edwards, a Doctor of Laws, and a Magistrate for the county of Surrey, on the subject of the present licensing system—a subject which must be viewed by all as one of very great importance. The petitioner had selected the present period, because



an honourable member (Mr. Estcourt) had introduced a bill respecting the licensing system; and he hoped that the suggestions contained in his petition would not be disregarded. It was manifestly necessary that well-regulated houses should be established for the benefit of the public, and a proper power should be given to keep them in a quiet and orderly state. But an attentive perusal of the whole of the evidence taken before the committee on this subject showed that the existing system, so far from having the effect of encouraging the establishment of well-regulated houses for the public good, had, on the contrary, been a cloak for the establishment of houses of the worst description. They all knew, that when a license was granted, it raised the value of a house from 500*l.* to 1000*l.* The profits on money thus laid out were very great; and were raised by charging the public exorbitant prices for beer, spirits, &c. It was a very lamentable thing to find a magistrate speaking, as the petitioner did, of the conduct pursued by his brother magistrates in granting licenses. He stated that, on licensing-day, he had often witnessed a system of jobbing, altogether disreputable to persons holding the situation of magistrates. There were 20 public-houses in some streets, while in others there was not one, because no person had taken the precaution to prepare the magistrates to grant a license. He (Mr. Hume) could not see why any license should be required for a public-house more than for a house in which tea and coffee were retailed. The person who wished to obtain a license for the sale of tea and coffee produced his money, and the license was granted as a matter of course; and if the same practice were adopted with respect to persons who sold beer and spirits, it would be attended with very great convenience. If any abuses were discovered, the law now in existence was sufficiently powerful to put them down. The petitioner was anxious, and so was he, to do away with the necessity of applying to magistrates for licenses, as was now the case, and thus to put an end to the jobbing system which at present prevailed.

FRIDAY, APRIL 21.—Mr. *Hobhouse* presented a petition from the licensed victuallers of the parish of St. James, Westminster, complaining of the hardships to which they were exposed, in consequence of the regulations that had been adopted under the existing law for the regulation of alcohouses. By that law a power was given to punish individuals for keeping their houses open during what was called unseasonable hours. Now, as it was left to the magistrates to say what should and what should not be considered unseasonable hours, and as in the event of a house being kept open a minute after the prescribed time, and any person seen going into or out of it, a common informer had the power to bring the owner of that house before a magistrate, and have him punished, although no improper conduct was proved against him, he thought under such circumstances, that the licensed victuallers had very just grounds of complaint. The hour fixed for closing the public-houses in St. James's parish was half-past 11 o'clock. He, however, held it to be wholly impossible that the public-houses could be cleared at that hour. If tradesmen who did not leave their business till late in the evening, wished afterwards to take refreshment, and to converse with each other in their respective

neighbourhoods, how could the rooms in which they met be cleared at half-past 11 o'clock? The petitioners had no objection to clear their tap-rooms at that hour; but what they complained of was that they were called on to clear their parlours and coffee-rooms, where respectable parties were assembled, at half-past 11, at farthest. This, too, was demanded of them, while oyster-shops, saloons, and taverns, were suffered to remain open at all hours. If this system were not altered, it would cause the utter destruction of the most respectable part of this trade.

Mr. *Estcourt* said, that the words now in the bill, and which related to the subject of the petition, were not final; and when gentlemen complained of the hardships suffered by the licensed victuallers, they ought to recollect that something must necessarily be done, for the purpose of preserving quiet and tranquillity in the neighbourhood where public-houses were established. He had, in his bill, introduced the expression, "unseasonable hours," as the most comprehensive—but a reservation was made in favour of travellers. The present bill, he knew, was imperfect. He therefore thought it would be better to let the measure drop for the present, and to bring in a bill for continuing the existing law for another year. Public attention had been drawn to the subject, and much information connected with it had reached him, from which, a measure might thus be produced, which it would be highly advantageous to pass into a law; but he thought that, in the present situation of the house, an efficient measure could not be framed this session; and therefore moved that the bill might be read a second time that day three months.

Agreed to.

FRIDAY, MAY 12.—On the motion of Mr. *Estcourt*, the report of a bill to continue the act 3 Geo. IV. c. 77, was brought up.

Mr. *Hume* moved that a clause be added to the bill, ordering that "an adjournment day be held within 15 clear days after the regular annual licensing day for the purpose of granting licenses, but that no license be granted on that day except to houses previously licensed." The hon. member contended that such a clause was necessary to prevent many cases of extreme hardship to which publicans were now exposed by the want of a regular adjournment day.

The clause was brought up and read a first time. On the question that it be read a second time,

Mr. *Estcourt* opposed it, and observed, that if it were adopted, it would open the door to many jobs and tricks of which the hon. member was not aware. He thought the bill, as it now stood, provided sufficiently for the interest of the parties who took out licenses. He was the less inclined to agree to the addition of new clauses, as the whole subject would come under consideration next session, and this bill was only to continue the licensing acts in force till the general measure was brought in.

Mr. *Maberly* expressed his surprise, that any opposition should be offered to a clause, so reasonable and fair as that proposed by his hon. friend. As the practice now was, if a license were not granted on the general licensing day, the party refused had no appeal and no remedy during the whole year, for no ad-



jourment day was held. The consequence would be, in most instances, the entire ruin of the party whose license was not renewed, for it was well known that many persons embarked the whole of their property, the savings of their industry for years, in the purchase of public-houses. To such parties the non-renewal of their licenses would be complete ruin. He was therefore anxious that where a sufficient opportunity of examining into the whole of the cases on the general licensing day did not occur, the parties should be allowed to bring them on on the adjournment day. He appealed then to the house in favour of a clause by which so many cases of hardship might be prevented.

The house then divided, when the numbers were—For the clause, 28—Against it, 40—Majority, 12.

### *Thames Watermen.*

TUESDAY, APRIL 18.—Alderman Wood presented a petition from the watermen plying on the river Thames. They complained that individuals were allowed to let out boats on the Sunday for hire, while they were prevented on that day from pursuing their avocation, unless they received a regular license from a magistrate. They therefore prayed, either that some restriction should be placed on the hiring of boats, or that the regulation which prevented them from plying on the Sunday should be removed.

Sir J. Coffin bore testimony to the merits of this very useful body of men. On one occasion 500 of them had entered the naval service, and he believed not one of that number had ever deserted. They made the bravest seamen that ever entered a man-of-war.

Mr. C. Calvert said, he resided on the banks of the river, and he could see no reason whatever for preventing those men from plying on the Sunday. Accidents innumerable happened on the river Thames in consequence of the practice of letting out boats, which were not attended by those experienced men, but were left to the guidance of persons who did not know how to manage them.

The petition was then laid on the table.

THURSDAY, APRIL 27.—Mr. Alderman Wood moved for leave to bring in a bill for regulating the watermen on the river Thames from Gravesend to Windsor: but stated afterwards (Thursday, May 4), that he could not press his bill forward to a second reading, as he was given to understand that it came under the denomination of a private bill; in consequence of which, the lateness of the session would preclude him from adopting those preliminary forms which that class of bills required.

### *Sheriff of Durham.*

THURSDAY, APRIL 6.—Mr. Peel moved for leave to bring in a bill to continue the sheriff and all the other officers connected with the custody of the peace in the county of Durham, whose appointments were now determinable by the decease of the bishop *in esse*, in their situations for a certain time after. The office of sheriff was at present in the nature of an appointment for life by the bishop who filled the see. He did not see why Dur-

ham should not be assimilated to the other counties in this respect, nor why the very respectable gentlemen of that county should not be called upon in turn to assist the country by an annual service of that office. Perhaps the best plan would be, to give the judges power to nominate three gentlemen of the county annually for the bishop to exercise his right of selection. That, however, would be an after consideration. At present he would content himself with moving for leave to bring in a bill for remedying the inconveniences to the administration of justice in the county of Durham, arising from the present vacancy of the see, and to prevent the like in future.

Mr. Hume approved of the efforts of the rt. hon. gent. to assimilate the practice and the institutions of the northern counties to those which prevailed in other parts of England.—He took this opportunity of saying, that the revenue of the bishopric of Durham was a great deal too large (laughter). It was a great reflection on our church establishment, that one or two should be so rich, and so many others be kept too poor. The present was a good opportunity to fix the salary of this enormous bishopric at a more moderate rate (laughter). The thing would be done at some time not very remote. What he wished was, that the rt. hon. gent. might have the credit of doing it (laughter). Enough might be well spared from this see to furnish the means of due encouragement for many men of ability and learning, who would afterwards be ornaments to the church.

The bill was then brought in, and read a first and second time, passed through a committee, was subsequently read a third time, and passed.

### *Debtor and Creditor Arrangement Bill.*

THURSDAY, FEB. 16.—Mr. Bright moved the second reading of a bill for altering the law as regarded arrangements between debtor and creditor. As the law now stood, a deed signed by a debtor making over his property to trustees for the benefit of his creditors, constituted an act of bankruptcy. This was a great grievance; and the intent of the new bill was to take the act out of the limits of bankruptcy. According to the existing law, too, such a deed of trust must be signed by every creditor, or it was invalid; his (Mr. Bright's) bill made it valid when signed by seven-eighths. He was convinced that the bill would be felt as a great boon in the commercial world, as enabling parties in many cases to avoid the expense attendant upon commissions of bankruptcy.

The bill was then read a second time, and committed for Monday next.

MONDAY, FEB. 27.—Sir C. Cole presented a petition from a majority of the creditors of the Swansea Bank, in favour of the bill before the house for promoting a better arrangement between debtor and creditor. The hon. member read several extracts from the petition, which went to point out the serious inconveniences which occurred, as the law now stood, in vesting the property of merchants, bankers, and others engaged in trade, who might be involved in difficulties. It often happened, that when the majority of the creditors were disposed to invest the property in the hands of trustees for the benefit of the whole, one obstinate creditor,



by holding out and taking out a commission of bankruptcy, involved the property in legal proceedings to such an extent, that that property which would, under a different system, pay a large dividend, was wholly absorbed in law expenses, and thus lost to the creditors. The petitioners, therefore, prayed that the bill which allowed the majority of the creditors to enter into arrangements for the security of the property, might be binding on all; and that, after such arrangement had been entered into, no creditor should be allowed to sue out a commission of bankruptcy. They gave an instance of the evil of which they complained, in the case of the Swansea bank.

The petition was brought up.

Mr. Alderman Wood bore testimony to the general utility of the bill.

Mr. Lockhart thought, to render the measure productive of the intended good, it should be carried much farther than was proposed. The mere prevention of an investment of the property of a trader from being considered an act of bankruptcy, would not be sufficient, for it often happened that acts of bankruptcy were committed before such investment was made. Now, it would be necessary that the bill should extend to prevent those previous acts of bankruptcy from affecting the trust deed for the benefit of the creditors. The bill which had already passed, making the issuing of commissions of bankrupt null and void (where deeds of trust investing the property had been executed), unless such commissions were issued within six months, was not carried far enough; and unless some improvement on this point were made in the present bill, it would be inoperative.

The petition was read, and laid on the table.

FRIDAY, APRIL 28.—Mr. Bright presented a petition from the inhabitants of Coggeshall, in favour of the debtor and creditor bill.

Mr. Sykes agreed that this bill would be a most important improvement in the existing laws respecting debtor and creditor. He thought that the clause in the bill which went to enable partners, if they thought proper, to arrange their affairs without being obliged to undergo the expensive process of bankruptcy, would have the best effect. He could see no reason why the bill should not have a retrospective operation. There were many cases of parties who wished to settle their affairs, to which the application of this clause would be an object.

### *Expenses of Commissioners of Bankrupt in the Country.*

WEDNESDAY, MARCH 15.—Sir Robert Wilson rose to submit a motion to the house respecting an abuse which prevailed in the practice under commissions of bankruptcy in the country. He had been informed, that when the commissioners met, they were in the habit of partaking of refreshments of various kinds, the expenses of which were afterwards charged to the creditors under the commission. Under the act recently passed respecting bankrupts, this practice was decidedly illegal. The returns under the motion which he was about to make would show the extent to which the practice prevailed, and there could be no question that a remedy would

be easily found when the house was once in possession of the facts. He apprehended there would be no difficulty in carrying it into execution. The secretary of bankrupts must be acquainted with the names of the commissioners and solicitors under all the commissions of bankruptcy which were issued. It would, therefore, only be necessary to order him to write to the solicitors, and to require them to extract from their bills of costs all the sums which had been paid on account of tavern expenses. He therefore moved that there be laid before the house a return of all the tavern expenses incurred by commissioners of bankrupts, under all commissions executed in the country during the last three years.

The Solicitor-General thought it would be extremely difficult to procure the returns required by the gallant general. Besides, commissioners so conducting themselves were by law disqualified to act; and this motion would call on them to give evidence against themselves.

Mr. Abercrombie said, there could be no doubt that the practice alluded to existed. The learned gent. read some items from a bill of costs, the whole amount of which was 2000l., under a commission of bankrupt, where several large sums had been paid for tavern expenses. It was true that the commissioners who partook of these expenses were disqualified from acting, but then it was also true that the bills were taxed by the same commissioners. He saw no difficulty in obtaining the returns.

Mr. Banks, jun. said, that the act as it stood provided a remedy for any abuses which might exist. If the commissioners partook of these entertainments, they were guilty of perjury. He apprehended the difficulty of obtaining the return was insuperable.

Mr. Hume said, that his experience convinced him that a clause in an act of parliament was no remedy against abuse. By returns laid on the table two years ago, it appeared that 224,000l. had been spent by the commissioners of the land-tax in London and Middlesex, in the very teeth of five acts of parliament. In two or three wards of the city, a sum of 180l. was charged for trips to Blackheath, and a bull in the winter.

Mr. Croker thought it would be impossible to procure the returns. It would be much better to state some individual case by way of beginning, and then proceed upon it.

The Speaker said, the house would misunderstand its power if it should be diverted from requiring the returns which had been moved for under an idea that they could not enforce them. Upon the return made by the secretary of bankrupts, the order would be served by the proper officer, and parties refusing to obey would be in the same situation as others who should presume to neglect the commands of the house.

Mr. S. Bourne recommended that the motion should be confined to one year. There could be no question that the alleged abuse was a gross one, and he should be the last person to interfere to prevent a remedy, or to suffer the parties offending to go unpunished. The great difficulty appeared to him to be, that these parties were called upon to furnish evidence against themselves, on which they were afterwards to be prosecuted.

Mr. C. Wynn objected to the form of the motion. He thought the case was already suffi-



ciently provided for by the law as it stood. If a true return should be made to the motion, it would render the party liable to a prosecution, the evidence on which he would himself have furnished. He put it to the gallant general whether this could be advisable.

Mr. Peel suggested that it would be advisable to shorten the time still further; for, in consequence of the difficulty of making returns to orders of the house, clerks in public offices were really hardly able to execute the ordinary business of their departments (hear).

Sir R. Wilson then said, that he would not carry the motion farther back than May, 1825.

The motion, thus amended, was agreed to.

### County Courts' Bill.

MONDAY, FEB. 20.—Mr. Wyell presented a petition from the city of York, praying for an alteration in the laws respecting the recovery of small debts. The hon. member said he was anxious to impress upon the house the necessity of taking those laws into consideration, and expressed a hope that the noble lord (Althorpe) who had so successfully carried a bill on the subject through the house last year, would persevere in the measure this session, though the bill had been lost in another place. The evil of the present state of the laws was severely felt throughout the country.

Mr. Hobhouse bore testimony to the inconvenience felt from the want of such a measure as the petitioners prayed for.

Lord Althorpe said it was not his intention again to introduce any measure on this subject. After what had passed in the other house respecting the measure last year, he thought it would be hopeless for him or for any individual to attempt to carry the bill through; therefore he would not try again. He had come to this determination on the subject, not from any difference in his opinion now as to the necessity of the measure from what he formerly held, but because, after the bill had passed that house twice, he might almost say unanimously, and had each time been rejected in the other house, he thought it would be only waste of time for any individual, not having the support of Government on the subject, to bring in the bill again.

The petition was ordered to be printed.

THURSDAY, MARCH 16.—Lord Althorpe asked the rt. hon. Sec., (Peel) whether his Majesty's ministers would think it their duty to bring the County Courts' bill forward in the present session?

Mr. Peel said, that if the noble lord had thought fit to introduce the bill again in the present session, he would most cordially have supported it as he had done before. He should be unwilling, after the pains which the noble lord had taken upon the subject, to interfere with it, or, at this eleventh hour, to take to himself any of the credit which alone belonged to the noble lord. If, however, the noble lord wished to give the measure up, and thought that it was more likely to succeed in the hands of ministers than in his own, he (Mr. Peel) was prepared to take charge of it. He must, however, in that case, be permitted to conduct it in such a manner as he should think most conducive to the public interests. He should not be able to bring it forward in the course of this session, for he had directed the commissioners

of the Insolvent Debtors' Court, by whom the provisions of the proposed bill were to be carried into execution, to make inquiries into several particulars, on which it seemed very desirable that the house should have information. They related chiefly to certain peculiar jurisdictions, to which it was not intended by the noble lord that this bill should apply. The local jurisdiction of Bury St. Edmund's, for example, included a great part of the county of Suffolk. In Yorkshire, and in Lincolnshire, there were similar jurisdictions, and to all of them the principle of the noble lord's bill ought to be extended as well as to the objects which it was expressly intended to embrace. The counties palatine, which differed in many respects from the jurisdictions he had just mentioned, must also be made the subjects of inquiry, and the information required could not be procured in time to bring forward the measure in the course of this session. If the noble lord chose to pursue his own measure, he (Mr. Peel) should recommend him to adopt the alterations made in the other house of parliament, which, although they extended, did not in any other way affect the principles of his bill. If the noble lord chose to relinquish the measure to him, he should feel it necessary to adopt the spirit of those alterations. He thought that the remuneration to be made to the officers, affected by the measure, ought not to be an obstruction in the way of measures tending to the public benefit; and he should therefore make it a point in this respect to conciliate the other house of parliament, in order to ensure the success of his measure.

Lord Althorpe said he should very willingly leave the measure to be conducted by the rt. hon. gent. in such way as he might think fit.

### Contempts in Chancery.

TUESDAY, MARCH 7.—Mr. Hume moved for a return of the number of persons confined in the Fleet and other prisons for contempt of the Court of Chancery. He had moved in 1820 for a similar return, including the number of persons who, being in confinement for such contempts, had died during the eight preceding years. It appeared by the return which was made in consequence of that motion, that twenty persons had died during the period mentioned—some after a confinement of ten months, others after being in prison thirty-two years (hear, hear). Among the persons confined under the orders of the Court of Chancery, many were in such a state of poverty that they were unable to procure copies of the bills, for not answering which they had incurred this charge of contempt. The expense of procuring copies of these bills was enormous; they were to be paid for at the rate of 10d. per folio, and when the voluminous nature of Chancery proceedings was considered, it would be clear that many of the persons called upon to put in answers were wholly unable to do so. Those bills were filed without any regard to truth. The plaintiffs were at liberty to tell any lies they pleased, and unless the individual against whom they were filed had money in the first place to obtain copies, and in the next to fee lawyers, he had no chance of avoiding the imprisonment to which this Court doomed him. Among other cases, it appeared by the return which he held, that Wil-



liam Dawson was committed to the Fleet prison on the 12th of January 1818, and his wife Elizabeth Dawson, on the 1st of May, 1819. From that time to the present they remained there for an alleged contempt of court, and, as they stated, were wholly unacquainted with the plaintiff, and with the reasons of the bill filed against them. There were many others who had been confined under the vague allegation of having incurred a contempt of court, and whose only offence was their ignorance of the forms of the court, and their poverty, which disabled them from adopting the expensive measures necessary for putting in an answer. By the return made on the 11th of July last, it appeared that there were 31 persons then in confinement. He begged the attention of the right hon. gent. (Mr. Peel) to this statement, because he thought that among the useful reforms which the right hon. gent. had introduced into the system of administering the law of the land, none could be more properly or more beneficially introduced than some alteration of the proceedings in the Court of Chancery. He (Mr. Hume) had taken the trouble to send a person to the Fleet prison, with the list in his hand, to inquire of the warden what had become of the persons whose names had been returned in it. The warden, for some reason which the hon. member could not understand, had refused to satisfy that inquiry; perhaps he was alarmed at the long array of names, and thought very properly that some use was to be made of the information which he might afford. As he was, therefore, unable to state any more than what the return contained, he should confine himself to that. It seemed that Hannah Barber had been committed on the 30th of January, 1789, under a writ of rebellion. By a copy of the writ under which the commitment was made, it appeared, that in a suit by the creditors of one Thomas Green against Hannah Barber and others, the defendant was committed for contempt in not obeying an order of the court, for payment of 406l. into the Bank of England. She remained in the Fleet until her death, which happened since the return, and after an imprisonment of between thirty and forty years. He understood that by a clause in the insolvent debtors' act, a person might be discharged from custody for contempt, when the cause of imprisonment was only the non-payment of money, but that the court had no power to release from the costs. Was it not disgraceful that, in a country like this, the criminal law was more mild in its effects than the civil? For if a man were sentenced under the former to transportation or imprisonment, he knew the limit of his punishment; but having once fallen under the sentence of the Court of Chancery, there was no knowing how long his imprisonment might continue. Such a system was better adapted to the arbitrary jurisprudence of Constantinople or Algiers than to this free and enlightened country. Another instance in the return was that of George Pigot, who had been sent to prison under a rule of court, ordering an attachment for want of answer to an amended bill. This man had been in prison for more than twenty years, during which time he had no means of obtaining a copy of the amended bill, nor of procuring a person to draw an answer to it. Anne Bretner was committed under a writ of *habeas corpus* from the Exchequer, for not appearing to a bill, and she was also dead. He now put it to the rt. hon. gent. whether this was

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right or not—whether some inquiry ought not to take place before persons were doomed to such imprisonments, as to the nature of their alleged contempts, and whether an end ought not to be put to so persecuting and oppressive a system. He understood that there were two instances in which the Lord Chancellor, learning that the parties were unable through poverty to put in answers, had sent for them, and paid out of his own pocket the necessary expenses which their detention had occasioned (hear, hear). If his lordship felt so keenly the hardship of such cases, it was extraordinary that he had not brought forward some regulation to prevent such abuses for the future. Another case he would state was that of Jane Mapson, who had been committed in 1813 for want of an answer, and who, although she had put in that answer ten years ago, was still detained for costs. Two other persons were in custody, the one for having seen a young lady, a ward of the court, after being prohibited to do so, and the other for cutting crops on an estate in disobedience to an injunction of the court. He would not conclude without expressing his wish that not only the kind of imprisonment which was the subject of his present complaint, were done away with, but also imprisonment for debt altogether; for he was convinced, that the facility with which credit was given was most injurious to society, and if the creditor had not such immediate means of arresting his debtor, much of the disposition to give indiscriminate credit would be checked, and the ultimate loss to the fair trader would be less.—The hon. member concluded by moving for “a return of the names of all the persons now in custody of the warden of the Fleet, and other prisons in England and Wales, committed by order of the Courts of Chancery and Exchequer, since the 11th of July, 1820, together with copies of the commitment of each; also a return of the number who had died in prison, and periods of their respective deaths, and how many were still remaining in custody.”

The Attorney-General understood the return now moved for by the hon. gent. was a continuation of that formerly made, and to this he could of course have no objection. Every body was aware of the importance of the subject which the hon. gent. had touched on, but put as it was, in this incidental way, he should not feel himself justified if he took up the time of the house by any detailed answer at present. The house would soon be in possession of the report of the commission appointed to inquire into the practice of the Court of Chancery, and it would probably then become his (the Attorney-General's) duty to propose certain bills to carry into effect the alterations in the present practice which that report might suggest. He could assure the house that every attention would be paid to the subject which the hon. member (Mr. Hume) had alluded to. Some remedy might be and ought to be applied, if any thing like oppression or unfairness could be shewn to exist under the present system; but it was impossible to meet all the views of the hon. gent. on this subject without going the length of abolishing the Court of Chancery altogether. In a bill, for example, filed for the purpose of obtaining discoveries of the utmost importance to the justice of a case depending either in the Court of Chancery or in some other court, if the defendant obstinately refused to make the discovery sought of him, what was



to be done? There was no mode consistent with the law of England by which he could be compelled to do what justice required, excepting by imprisonment. But the moment he put in his answer he was released from confinement. Where was the hardship in this? If there were a hardship, and if it was thought that such a power ought no longer to exist, the Court of Chancery must be abolished, because there was no other mode of enforcing its decrees. The hon. member had stated that the ignorance of parties exposed them to offend unintentionally against the law—but he had been misinformed upon this point. No party was called upon to put in an answer until he had been warned by subpoena, and notices of the time at which he was to do so. It was only when he disregarded these notices, and refused to obey the order of the court, that he was imprisoned. If a party chose to remain in prison rather than do that which the interests of justice demanded of him, was the house to assume that his imprisonment was oppressive? He (the Attorney-General) by no means meant to say, that if a person was unable to pay a sum of money which the Court of Chancery had ordered him to pay for costs, he ought to be kept in prison for life in consequence of that inability. He would read the clause of the Insolvent Debtors' act alluded to, and the house would see how far they could trust to the accuracy of the hon. gent. (hear, hear).—[The Attorney-General then read the clause, which, after providing for the release of prisoners confined for contempt in not paying money ordered by the Court of Chancery, goes on to provide the same relief for persons detained in prison for non-payment of costs.]—This might be taken as a specimen of the hon. gent.'s accuracy (cheers). The act of which he had spoken was passed in 1812, and contained the very remedy of which the hon. gent. had so strenuously proposed the adoption. It was not necessary for him (the Attorney-General) to go further. It was obvious that the only means the Court of Chancery had of enforcing obedience to its decrees, was by the imprisonment of the refractory parties; and if they obtained their liberation on complying with the order of the court, no evil could be said to exist. If the cause of detention was merely the non-payment of money, which the prisoner was unable to pay, he was entitled to the benefit of the laws which had been made for the relief of insolvent debtors.—He pledged himself to give the subject all the attention in his power, and to support every practicable method of reform, as far as was consistent with his opinion of a court, which, with all its alleged hardships and inconveniences, he considered an admirable branch of the jurisprudence of the country, and absolutely necessary for the preservation of their legal system; for if they gave up the Court of Chancery, he had no hesitation in saying they must at the same time abandon the whole of the common law, which could not be tolerated as a system unless it were not only modified, but corrected, by the proceedings in a court of equity (hear, hear). In one word, he would say, that the general principles of the courts of equity in this country were so sound, just, and admirable, in every respect, that they might defy the utmost ingenuity of man to give them any improvement (hear, hear).

Mr. Lockhart agreed with the learned gent. that the commitment for contempt could not be

dispensed with, and that the power of summary punishment was absolutely necessary to compel discoveries, or force the production of deeds which were requisite to the interests of suitors. He did not, he was sorry to say, however, agree at all in the propriety of the act of parliament, which enabled persons, when they had spent the money of the orphan, or the infant, or the minor, to clear themselves from all the effects of their obstinacy or iniquity by the operation of the Insolvent Debtors' act. He thought that such a clause took a very great liberty with the property of the suitors of that court, and tended rather to promote injustice than justice in its proceedings.

Mr. Hume occasioned some laughter by observing that the Attorney-General had been prompted by the Chancellor of the Exchequer and the Secretary of State, as to the clauses contained in the Insolvent Debtors' act, so that there was very little ground for the tone of superiority he had assumed in pointing out his (Mr. Hume's) ignorance of those clauses.

TUESDAY, APRIL 18.—Mr. Hume presented a petition from William Richardson, labourer, a prisoner in York Castle for a contempt of the Court of Chancery. The petition set out various facts connected with the petitioner's case, and among others, that a dispute had arisen between him and another party, on the subject of a life interest in 700*l.* which had led to the filing of a bill in Chancery. To this bill, as the petitioner did not understand the nature of the proceeding and the absurd language introduced into it, he had failed to put in an answer, and the consequence had been his commitment for contempt of the Court of Chancery. It was required that he should pay 300*l.*, and about 30*l.* in addition for costs; but this sum he was unable to raise upon his life-interest. The hon. member expressed his strong regret that the present session was likely to pass over without any remedy for this disgrace and pest of the nation—the Court of Chancery—although the commissioners of inquiry into its abuses had been appointed not less than two years ago. It was the greatest curse upon the country to have such a Court of Chancery, and such a Chancellor (hear, hear). The curse ought not to light upon the King's innocent and injured subjects, but upon those who allowed such an infiction to continue. The case of the petitioner showed how a poor man might be oppressed, and without remedy.

The petition was brought up and read. On the question that it lie upon the table,

Mr. Lockhart observed, that the observations of the hon. member were entirely uncalled for by the facts disclosed. The Lord Chancellor did not possess, and never had possessed, any power to make great alterations in the constitution of his court. Some persons were confined from ignorance, and some from imbecility; and he thought the law had gone too far already, in allowing the privilege of the Insolvent Debtors' act to persons imprisoned for non-payment of costs.

Mr. Peel very warmly protested against the extremely unfair use the hon. gent. (Mr. Hume) had made of his privilege in attacking a distinguished and learned individual, without giving the slightest notice that it was his intention so to avail himself of the opportunity afforded by the presenting of a petition (hear, hear).

The Solicitor-General appealed to the house



whether such language as the hon. gent. had employed, ought to be endured in support of a petition which only stated one side of a case (hear, hear)? He avowed himself a latitudinarian, as far as the right of petitioning was concerned; but the House of Commons itself would become a curse, if such a course as the hon. member had taken were allowed with impunity. He called upon the hon. member to make out something like a case for his own justification. If he did not, he (the Solicitor-General), instead of deeming the Lord Chancellor a curse upon the country, should consider the word far more applicable to the party making such an unjust and unprovoked accusation (hear, hear).

Mr. Grenfell agreed in the justice of part of what had just been said: when the hon. member (Mr. Hume) had asserted that the Lord Chancellor was a curse to the country, he had used language altogether unbecoming (hear, hear). If, however, his hon. friend had confined himself to the declaration, that the Court of Chancery was a curse to the country, he (Mr. Grenfell), in his conscience, should have agreed with him, and so would ninety-nine out of every hundred of the King's subjects (much cheering). He would state in one sentence, why he held the Court of Chancery to be a curse—because it enabled the rich man to oppress and ruin the poor one (hear). He would take this opportunity of stating the great disappointment he had experienced on reading the voluminous report of more than seven hundred pages, to find that it contained nothing to correct that greatest of all abuses, which went by the name of Fishing Bills. These bills gave any man the power of making the most atrocious charges against an innocent party, without the possibility of redress. Although the falsehoods should be proved in the clearest manner, there was no punishment. The only result was, the suit was dismissed with costs. It was not, perhaps, just to ascribe all the blame of this to the judge; but he was justified, as he believed, in saying that the Court of Chancery was at present, in system and practice, a curse to the country.

Mr. H. Sumner said, that he had never heard such outrageous and indecent language applied to any public functionary; and the house would not do its duty unless it showed its sense of this outrageous and indecent language, and abuse of the privileges of the house. Unless some explanation should be given of the words, he himself would make some proposition to the house on the subject. He agreed that very ruinous delays took place in the Court of Chancery; but these were not owing to the Chancellor, who, instead of being a curse to the country, was, by his knowledge and ability in the administration of justice, one of the greatest blessings that any country ever possessed.

Mr. Hume said, that it appeared the language he had used respecting the system of the Court of Chancery (Mr. H. Sumner—"Not of the system, but of the individual") had been considered as indecorous and improper (hear). Now, on the contrary, he thought it perfectly correct; and begged that the hon. member, or the house, would, if they thought otherwise, order his words to be taken down, for he was ready to abide by them (hear). The Solicitor-General regretted that he (Mr. Hume) had not paused to ascertain the truth of the petitioner's

case. He had done so—he had referred to the respectable solicitor at Hull who drew up the case, and who had satisfactorily convinced him, that there was nothing exaggerated about it, but that, on the contrary, it was a simple statement of the truth. If the Lord Chancellor was in any measure the cause of these evils, ought milder terms to be employed towards him than towards the system which he had tolerated, for the quarter of a century during which he had presided in that court? It was in that way that he had put his argument, and how could he have done otherwise? He of course could not suppose that the Lord Chancellor was a man who had so little humanity, as to be the willing inflictor of so much wrong; but why, with all the power which the noble lord could wield, had these abuses been so long suffered to exist? He did not mean that the whole of this blame should lie on the Lord Chancellor's head; he assuredly desired that a portion of it should attach to that house, and more particularly to his Majesty's ministers, who had so long permitted these abuses to be practised unrestrained. He would again repeat that such a system was a curse to the country which was burdened with it; and if it were suffered to exist through the supineness or remissness of the head of the court, who had the power of applying a remedy, then he was at a loss to see how the same epithet did not apply to him as to his system (hear).

Mr. H. Sumner said, that if the hon. member still insisted, that not only was the system of the Court of Chancery a curse to the country, but that the Lord Chancellor himself was equally so, and would now repeat his expressions, he would certainly call to have his words taken down.

Mr. Ellice said, that if the hon. member was desirous of having it repeated, that the administration of justice in the Court of Chancery as at present constituted, and the manner of its performance by the Lord Chancellor who administered its affairs according to this system, had become a curse to the country, he for one would himself indulge him with the repetition of that animadversion. (Mr. H. Sumner—"Those are not the words.") It did not become members of that house, when describing the abominable and most vexatious proceedings of such a system, to soften down and qualify the epithets which it loudly called for (hear).

On the motion that the petition be printed—

The Solicitor-General rose to point out, that nothing had been done in this case, according to the petitioner's own statement, but what was done every day by any hon. member of that house, who had to foreclose a mortgage and proceed with an ejectment; and yet this process was to be made the frame-work of a bitter attack upon the Lord Chancellor, as if he alone had inflicted an unusual injury upon an individual in administering a particular process of law. The fact was, it was not the court which had ruined this man, but the lessor, who had directed his attorney to proceed. Why, then, did not the hon. member, instead of impugning the Lord Chancellor, attack the attorney, or his client?

Mr. Baring said, he was certainly obliged to his hon. friend for having brought forward this petitioner's case, and drawn the attention of the house to the enormous abuses which prevailed in the system of the Court of Chancery. At the same time, he certainly regretted the



introduction of any harsh epithets as applied to the head of that court, from their natural tendency to indispose the majority of the house from seriously considering the nature of the case itself, which undoubtedly seemed to call for dispassionate consideration (hear.) As to the noble lord at the head of the Court of Chancery, if any grave cause of blame attached to him for the existence of those abuses, it must be that he had sat so long in his distinguished station without calling for the application of a remedy to prevent the recurrence of abuses which he could not but have seen in frequent operation (hear.) He (Mr. Baring) had himself been applied to on one occasion, by a cottager who lived in his neighbourhood, who had been wronged in the sale of his cottage. He went to a respectable attorney, and begged he would do what was right; the attorney, after inquiring into the particulars of the case, fully admitted the justice of the complaint, and that redress could be obtained by filing a bill in Chancery; he added, however, that before he could take three steps in the cause, the cottage and gardens would be lost with the expenses of the suit (hear, hear). The existence of such facts was a disgrace to the administration of justice. People of small property could not venture upon this mode of redress. To file an answer to a bill in Chancery, would, he was informed, cost the party about 20*l.*; and if the man, who was perhaps wantonly dragged by a litigious person into such a predicament, was unable to afford this expenditure, he must be in what was called contempt. After all, when it was notorious that equity could not be safely sought for property which did not amount to more than 500*l.* or 600*l.*, he hoped that the attention of the house would be seriously called to remedy such evils.

Mr. Canning complained, that for the purpose of this petition, the discussion which had taken place was quite irregular and uncalled for. The preamble of grievances in the petition set forth that the evil lay in the Court of Chancery, but one half of the subsequent matter applied equally to process issuing from any of the courts of common law. The petitioner had refused obedience to a process which had been duly taken out against him, but of the effect of which he pretended ignorance; and for so doing he had entailed upon himself the further proceeding of which he had complained. All this would have happened in any other court as well as the Court of Chancery: what, then, was the result of the complaint? Why, nothing but this,—that legal proceedings were attended with expense, and that the rich man must always in litigation, have an advantage over the poor. But this must, from the nature of things, continue, not only in this but in every other country which had laws to administer; and a grievance it was so far for the poor man,—one, too, carrying with it the painful conviction, that it was impossible for the wisdom of man to devise any perfect remedy. The attack on the Court of Chancery, and the judge who presided there, was as unfounded as it was unfair; and if any man thought he could remedy abuses by pursuing such a line of conduct, he was grossly mistaken. Now let it be supposed that the petition which had occasioned the present discussion had proceeded from the other party in the suit, let it be supposed that this person was as poor a man as the complainant

was represented to be, and that he filed a bill as the petitioner had done, would they not have been justified in vituperating the Chancellor and his court, for not applying a remedy for wrongs of which they professed to take cognizance? Such a complaint as the present would be just as applicable against the courts of law: why single out the Court of Chancery and the Lord Chancellor? Why not also deal out censure against the Court of King's Bench, and the respected individual who presided in that court? Notwithstanding the disclaimer of being actuated by personal feeling against the venerable head of the Court of Chancery, he was convinced that the sole object was the removal of that exalted individual from the high office which he held. Hon. gent. were mistaken, however, in the course they pursued to accomplish that object; for the unjust aspersions by which the learned lord was so often assailed, would serve only to rivet him still firmer to the high office which he filled.

Mr. J. Williams commenced by disclaiming the slightest feelings of personal disrespect against the learned lord who presided in Chancery, in whom was blended a great mixture of courtesy and dignity. He (Mr. Williams) was most willing to admit that the learned lord could not be surpassed in those qualities, and to use the words of the learned lord himself, in alluding on another occasion to a no less gifted individual, "he wished him well wherever he was" (hear, hear, and laughter). But while speaking on the subject which had chiefly given rise to the present discussion—he meant the unlucky monosyllable which had spread so much alarm on the opposite side of the house, and had even caused the hair of his learned friend (the Solicitor-General) to "stand on end,"—he begged leave for himself to adopt that monosyllable, and to repeat it if requisite. That the Court of Chancery was a curse on the country, could not be denied. When he heard hon. members express themselves as they had done that evening, he could not avoid feeling surprise at the change in the language of the house. According to the hon. member (Mr. H. Sumner) it was not the Lord Chancellor but that house which was to blame for the defects of the Court of Chancery, but if so, where was the hon. member's vote on the motion for inquiry in 1823; where was it on the various motions of the hon. member for Durham (Mr. M. A. Taylor)? Did he not on those occasions screen it from investigation by swelling the majorities that decreed it? At length the Secretary of State stepped forward with a plan to obviate all objection. But it was natural to expect that a sufficient time would be demanded; and accordingly a convenient pause (a laugh) was granted, in order to give the commission the fullest opportunity of investigating the entire system. We will have, said the right hon. gent. (Mr. Peel) no interruption to our proceedings—we will dispatch the business, and will only ask two years for the purposes in which we are engaged (hear, and laughter). Give me, said the right hon. gent. a commission—a commission of our own choosing, at the head of which the learned lord shall sit in judgment upon himself, and originate 180,000 propositions (hear, hear, and a laugh): whether there were 180 or



180,000 propositions he (Mr. Williams) really forgot. Such was the committee, which, after infinite labour, was at last appointed, and the rt. hon. gent. (Mr. Peel) now came forward with a report, which, from the number of pages it occupied, and the quantity of matter it contained, no one would have patience to read (hear). He (Mr. Williams) could not but consider it a little extraordinary, that although nearly three years had been allowed for remedying the abuses of the Court of Chancery, it was still suffered to remain a nuisance to the country; or, to adopt the short and expressive monosyllable which the patients of that court had themselves adopted, that it should continue "a curse." He was aware that the term was not the most courteous, and that it might perhaps offend the learned lord to whom the term might seem to apply. But the friends of the learned lord, and the country in general, need not be alarmed. There was no cause to dread the effects which would be produced by the attack, for the learned lord against whom it was aimed, was determined to brave his enemies to the last, and had long since made up his mind to quit office and life at the same time (hear, hear, and laughter). Panegyric or abuse would neither defer nor hasten the consummation of that event. He should only observe, in concluding, that the Court of Chancery, in consequence of its expenses and delays, was in the predicament of precluding persons of moderate fortune from suing for their right, which was a great and crying evil, and one which was directly opposed to the first principles of justice (cheers).

Mr. Peel observed, from what had fallen from the learned gent. it was quite plain that no report, however framed, would have given him satisfaction. Indeed, so prejudiced was the learned gent. that he could not distinguish between 180 and 180,000 propositions (hear, hear). The learned gent. complained that the report was voluminous. Did he forget that this was his own suggestion? When the commission was appointed, did not the learned gent. say, "I hope you will give a full and ample report" (hear, hear)? Nothing at that time would satisfy him but a full report. His suggestion was adopted; but when the report was brought forward he cried, "It is too voluminous, we can never get through it." Such was the spirit of justice displayed by the learned gent. (hear, hear). The report was voluminous because every person who had a complaint to prefer, every solicitor who might offer an objection against the practice of Chancery, was invited to state his grievance or propose his remedy (hear, hear).—With respect to the present petition, he could only say that he thought the house should wait to hear from the attorney employed on the other side, who might give a new version to the present story. It was unjust to attend to an *ex-parte* statement, and he for one was free to confess that he did not believe the case which the petition detailed. The terms of law and the progress of the suit were correctly described. The hon. gent. (Mr. Hume) admitted that a solicitor drew up this petition. And it could scarcely be credited that a professional man would have described legal proceedings in the language contained in the petition. If the petition should be ordered to be printed, he (Mr. Peel) hoped that an opportunity would be afforded to the party on the other side to state their case; and

he believed that from that statement the complexion of the affair would be materially altered.

Mr. Brougham:—The report contained 800 or 900 folios, but it omitted many material points; and notwithstanding its bulk, it was very meagre with respect to that sort of information which the house had a right to expect (hear). In the evidence given and received, many questions had been proposed which had not been properly followed up, and consequently imperfect information had been afforded. One gentleman asked this question—"Could three men do the business of Chancery?" The answer was, "No, nor three angels." Another asked, if a man were to devote his best exertions for six hours in each day, could he get through the business? Answer, "One man would be totally incapable of doing the business." Could it be credited that this answer, which clearly suggested another question, was not followed up, and that nobody even thought of asking, did any one man ever yet try to get through the business in six hours each day? Did any individual put his shoulders to the wheel, and try to overcome the labour? No. The judges of the court tried the experiment, and found its accomplishment impracticable. There were other instances which might be advanced; but those which he had stated would serve to show the nature of the long-expected report (hear, hear).

After a few words in reply from Mr. Hume, the petition was received, and ordered to be printed.

FRIDAY, APRIL 21.—Mr. Sykes presented a petition against the abuses of the Court of Chancery. Though he did not concur in the energetic language of the hon. member (Mr. Hume), he did not differ from him greatly in sentiment, and if he would not say that the court and the administration of it were a curse, from all he knew or had heard, and from something which he had felt, it was, in his opinion, any thing but a blessing. He feared, indeed, that its practice altogether was little better than a public nuisance. The petition was from a solicitor of 25 years' practice, whose respectability he vouched to the house. The petitioner had acted for the committee of a lunatic for several years. His costs in carrying on suits in equity for the estate were taxed, and allowed in 1814 by the Master. He complained that the question of these costs was re-opened in 1826. Successive committee-men had died in the meantime, and the petitioner was left without the assistance of those papers and documents which were necessary to justify his accounts. He consented, however, to have his bill re-taxed, and the result was, that Master Trower deducted only 3s. 6d. from the whole bill. Having neglected his business in the country, and being again baffled by the contrivances of his opponents, he returned home in despair—a perfectly ruined man.

The Solicitor-General had made inquiries respecting this petition, in consequence of the hon. gent.'s intention to bring it forward, and the result of those inquiries tended to convince him that the petitioner had no ground of complaint. He could not but deprecate the part which some hon. gents. had taken with regard to the Chancery question, in bringing forward cases of this description, for the purpose of charging the Court of Chancery with



sanctioning improper proceedings. It was most unfair to advance such charges, in order to make a run on that court, and to impute blame to the venerable and exalted individual by whom it was governed (hear, hear). An hon. member (Mr. Hume) had thought proper, in no very measured terms, to commence the attack, and the hon. member (Mr. Sykes), in presenting this petition, seemed to follow it up. The case was briefly this:—The petitioner, an attorney at Hull, had been employed to sue out a lunacy. He appeared for both parties to the suit, and one of those individuals became a bankrupt. From the part which he had acted in the business, a petition was presented to the Lord Chancellor, stating improper conduct; his lordship thought that a solicitor was not warranted to act for both parties in a suit; he gave it as his opinion, that although the solicitor in this instance had obtained the taxation of his bills in the master's office, yet that his conduct had been such as not to warrant such taxation; and he declared that, acting on a principle of justice, and with a view to public policy, he thought it right to revoke the taxing of those bills. This, then, was one of those cases which he supposed hon. gents. on the opposite side meant to bring forward in order to prove their assertion that the Court of Chancery was a curse to the country (hear, hear). But he hoped that this petition would not be given as a proof of the abuses in Chancery. Had the Lord Chancellor adopted any other line of proceeding than that which he had pursued, he would have been guilty of a gross dereliction of duty, and he would have betrayed the high trust with which he was invested (hear, hear).

Mr. Hume said, that since the learned gent. had done him the honour to allude personally to him with reference to the part which he had taken in a former debate, he begged leave to repeat his opinion of the Court of Chancery, and to state that an institution like that Court was disgraceful to the country by which it had been too long protected. Under the appearance of administering justice, that Court was destructive of every principle of justice. It was a Court of Equity only in name; in point of fact it was a court of injustice—a court of iniquity. The learned gent. had evaded that part of the petitioner's complaint which spoke of twelve years' delay with the term "a few years." Good God! how many of those few years did the learned gent. intend to give to his own life (a laugh)? The Court of Chancery was a nuisance to the country, and a committee of the House of Commons should long since have been empowered to uproot it from the country. But his Majesty's Government had evaded inquiry, they had screened the proceedings of Chancery, and it was not the fault of those whose wish it was to drag those abuses into light, that an opportunity was not allowed them to do so. Let any hon. member look to the report now on the table, and refer to the amount of capital in the possession of the Court of Chancery. They would find a little nest egg of thirty-nine millions of the property of the King's subjects within the claws of Chancery (hear, hear, and a laugh). In the year 1750 there were only two millions and a half of property lodged in the Court of Chancery. The fearful increase had been added during the long reign of the present Lord Chancellor. If that vast sum of

thirty-nine millions, instead of being hoarded up under the lock of Chancery, were distributed to the heart-broken suitors of that Court, it would be but an act of tardy justice to them. Under such a mass of evils—such a system of injustice and abuse—was it too much to say that the Court of Chancery was a curse to the country?

Mr. Sykes could not see that the learned gent. had made out any statement to shake the credit of the case contained in the present petition. He said that the costs had been improperly taxed; but they had been taxed in the master's office. The other ground of objection advanced against the petition was, that the petitioner had been a solicitor for opposite parties. He (Mr. Sykes) denied that such had been the case. The petitioner had certainly acted for two parties in the suit, but they were not opposite parties. With respect to time, the learned gent. seemed to think that 12 years were but a brief lapse. It might be so certainly in the Lord Chancellor's court, where time moved with such a tardy pace that the lapse almost of centuries was little thought of (hear, hear, and laughter), but 12 years to the unfortunate suitors of that court were surely quite enough to try their patience.

The petition was then read, and ordered to be printed.

#### *Attorney-General's Bill.*

THURSDAY, MAY 18.—The Attorney-General rose to move for leave to bring in a bill, founded on the report of the commissioners appointed to inquire into the practice of the Court of Chancery. The house, he said, must be aware that on the present occasion it would be necessary for him, after the various allusions that had been made to the subject of his motion, and the frequent debates respecting it, to enter upon a consideration of the manner in which the commissioners appointed to inquire into the practice of the Court of Chancery had performed their duty—to ascertain what were the particular points to which they had directed their attention, and what was the general nature of the measures which they had recommended for the adoption of parliament. The house would also feel, that in performing this task it would be necessary for him to enter into details which might appear dry and uninteresting, but when hon. members recollected that those details were connected with the reform of one of our highest judicial establishments, involving in its practice a great portion of the property, and of the best interests of the country, he was persuaded they would bear with him, on account of the importance of the subject (hear, hear). The composition of the commission had been made the subject of many observations both in and out of the house. It had been said, that nothing good could be expected from a commission so constituted. If to conduct an inquiry into the practice of an establishment of such a nature as the Court of Chancery, it were objectionable to appoint persons deeply conversant with the subject—of great experience and of acknowledged talent—then he admitted that such an objection would apply with full force against the present commissioners, for it would be impossible to find in the country an equal number of persons possessing such knowledge of the subject, such



experience, or such talent. But it had been said, "admitting the qualifications of these individuals, yet their interests and prejudices are such that it is impossible they can carry in the inquiry in such a way as to lead to any important result." He appealed to the individuals present, members of that commission, from some of whom, though his friends, he was in the habit of differing on political questions, whether it was possible for any inquiry to have been conducted with a greater spirit of fairness and liberality, than the inquiry which this commission had conducted. Although not a member of the commission, he had not been an attentive observer of the inquiry, and he could state, without fear of contradiction, that upon every suggestion of abuse of any description, an immediate investigation took place; and if it appeared that any alteration or reform was expedient, it was immediately recommended. Not only, however, had exceptions been taken to the composition of the commission, but some defractory observations had latterly been made with respect to the tone, temper, and spirit, in which the inquiry had been conducted. It was said that the report which the commissioners had presented to the King, and which, in pursuance of his Majesty's commands, had been laid on the table of the house, was overwhelmed by the mass of evidence (hear, hear). Insinuations had been thrown out that the commissioners desired to cloud that which it was their object to elucidate and render as perspicuous as possible. It was impossible that the commissioners could have pursued any other course than to annex to their report the whole of the evidence upon which it was founded. If they had not done so, he was satisfied that the day after the report had been submitted to the house, some member would have moved that the evidence should be produced and printed. If the commissioners had pursued another course—if they had selected that part of the evidence which they considered most important, as containing the essence of the information which they had obtained—they would have been charged with making garbled extracts, and another motion would have been made for the production of the whole evidence. The commissioners, therefore, had no alternative but to lay the whole body of the evidence on the table of the house, thus putting the house in possession of all the information which they themselves possessed. One of his learned friends (Mr. Brougham) could not, he was sure, object to the publication of the evidence, because in a former session, when the subject was under consideration, he expressed a hope that the commissioners would not rest satisfied with merely laying the report on the table of the house, but would also set forth every particle of the evidence which might come before them. The house, perhaps, would wish to be informed as to the manner in which the evidence had been taken before the commission. For the purpose of obtaining information as to the important subject to which their attention was directed, the commissioners, in the first instance, requested the attendance of those persons whom they thought best calculated from the experience they possessed to give them information. They did not, however, exclude any evidence. The evidence of any person who thought he possessed information was received if tendered; and

in order that there might be no misrepresentation, copies of the evidence were regularly transmitted to each witness for revision. He had felt it his duty thus shortly to state the manner in which the commission had proceeded; and he repeated with confidence, in the presence of several of the commissioners, that the inquiry, from its commencement to its end, had been conducted with a spirit of liberality and candour—with an anxious desire to detect abuses if any existed—and with an anxious wish to apply a particular remedy to any abuse which might be detected, as when unnecessary delay or expence accompanied the proceedings in the Court of Chancery. It was material, for the purpose of considering the manner in which the inquiry had been conducted, to look at the objects to which the attention of the commissioners was directed, as well as to the suggestions which had been thrown out with respect to more extensive reforms than the commissioners had thought proper to recommend. He had heard it said out of the house, and insinuated within it, that the jurisdiction of the Court of Chancery ought to be abolished. He had heard it insinuated—may more, boldly stated—that this jurisdiction was not founded on common law, was supported by no statutory enactments, was prejudicial, and ought therefore to be got rid of. If this were true, then the labours of the commissioners had been misdirected. Instead of inquiring into the details of the course of proceeding in the Court, the house ought at once to have declared against the system. He would here beg leave to recal to the recollection of the house, how necessary the jurisdiction of the Court of Chancery was in the present state of property in this country, and how impossible it was to get rid of it. He would take the liberty of pointing out some of the principal objects of this jurisdiction. Every person who knew any thing of law, must be aware that almost all the real property in the country was vested in trustees for a variety of purposes, and a great deal of the personal property was in the same situation. Was it not necessary that a jurisdiction should exist somewhere for the purpose of enforcing the fulfilment of those trusts? Was it not necessary that power should exist in the Court of Chancery, or somewhere else, to compel the performance of duties in which so much of the property, and so many of the essential interests of the country were involved? But there was no jurisdiction over these trusts in the common law. The jurisdiction of the Court of Chancery, with respect to injunctions of every description, was highly necessary. In the case of the infringement of a copyright, for instance, the common law provided no adequate remedy. The plaintiff might obtain damages in a court of law after a year's delay, but in the meantime the injury would go on. There was no means of checking it, except by the intervention of the Court of Chancery. In another class of cases touching the specific performance of contracts, the common law had no jurisdiction. A court of common law could merely give damages for the breaking of the contract; but they could not compel its specific performance. Every body must feel that such a limited jurisdiction was inadequate. The defendant might abscond, or he might go to prison, and not be in a situation to pay the damages. A jurisdiction must therefore exist



for the purpose of compelling the specific performance of contracts according to their letter and spirit. In another class of cases of great importance in a commercial country—namely, cases of accounts between parties,—the common law courts possessed no adequate jurisdiction. He was not now talking of the manner in which the jurisdiction of the Court of Chancery was exercised; his object was merely to show that it was necessary that some such jurisdiction should exist somewhere. Another class of cases in which the jurisdiction of the Court of Chancery was eminently useful, was that of fraudulent transactions. The case of a fraudulent contract could not come into a law court unless one of the parties carried it there in an attempt to enforce the contract. The law court could not, like the Court of Chancery, compel the contract to be delivered up for the purpose of being cancelled. After he had alluded to these cases (to say nothing of those of infants and married women, with respect to whom, no provision was made by common law), it must, he thought, be apparent that the jurisdiction of the Court of Chancery could not be dispensed with in this country. The question then was, where was the jurisdiction to be vested? This was not at all a complicated question. The jurisdiction being admitted to be essential, it was clear that it must either be exercised by a separate tribunal, or engrafted on the common law. There were some persons who contended that a separate jurisdiction was inexpedient, and said that if the jurisdiction were united with that of a court of law the system would work better. He totally differed from the persons who entertained that opinion. If the plan they recommended were adopted, it must, in the first instance, double the number of the law courts, and upon combining two systems so dissimilar in their nature, the courts of law must appoint one day for law, and another for equity. The two tribunals would still be essentially distinct, without possessing any of the advantages derived from their present separation. Besides, the administration of justice at common law required great study and learning, and, as every body acquainted with the subject knew, the administration of justice in equity, depending as it did, as well as that of common law, on positive cases, required the same study and extent of reading, he would ask whether, if the administration of justice and of equity were united, the same extent of information would be brought to bear upon the decisions in either case as was at present displayed whilst they were separate? Was there no rule to serve for a guide in this respect? It would be said, the practice of the Court of Exchequer. The Court of Exchequer had a jurisdiction in law, and likewise a jurisdiction in equity. But it was well known that a suitor who wished to try a question at law, preferred the King's Bench to the Court of Exchequer, as he did the Court of Chancery to the latter court, if he was desirous of settling a point of equity. The inconvenience resulting from the union of the two jurisdictions in the Court of Exchequer had been found so great, that a learned gentleman, accustomed to vote on the other side of the house, some years back brought in a bill, which was passed, to separate the two jurisdictions—not entirely, but substantially. In consequence of that bill, the equity jurisdiction of the Court of Exchequer was now discharged

by the Chief Baron exclusively, in one court, whilst the legal jurisdiction was administered in another by the rest of the Judges. Having thus endeavoured to satisfy the house that the equitable jurisdiction must continue, and must be administered by a separate tribunal, the next question was, could any essential change be effected in the machinery by which the jurisdiction was administered? In the first place, the complainant filed his bill, which was answered by the defendant upon oath. In this mode of proceeding the jurisdiction was most powerful for the object which it was intended to effect. To what point then should the attention of the commissioners have been directed? How were they to proceed, in order to reform the abuses which were supposed to exist in the practice of the Court of Chancery? It was impossible that the commissioners should suppose that the equitable jurisdiction should not continue to be administered in a separate court, and that the causes should not come on in the form of a bill and answer. Having laid that down as a principle, it was necessary that they should confine their attention solely to those points of form which created unnecessary delay and expence. In order the better to effect their object, the commissioners determined to follow a Chancery suit through all its various details, from its commencement to its end; intending, if they saw any thing exorbitant, to retrench it, and to get rid, as far as possible, of all unnecessary expence and delay. This course the commissioners had adopted and pursued with a degree of industry and intelligence which had, perhaps, never been surpassed in any similar inquiry. The first subject to which the commissioners directed their attention was the subpoena. It was objected that the form of the subpoena was such that an unlettered man could not make himself acquainted with its object. This was an important objection, and accordingly the commissioners altered the form of the subpoena, so as to make it quite evident to the party upon whom it was served what it was the court required him to do. The commissioners found that the time which a defendant could, under the present system, take before he entered his appearance in the suit was much too long, and they therefore recommended that less should be allowed. The next step in the cause was to compel the defendant to put in an answer to the plaintiff's bill. If the defendant failed to do this within a certain time after having received a subpoena, he was taken by the sheriff on an attachment. If the sheriff returned *cepi corpus*, a *habeas corpus* must be resorted to, in order to bring the defendant to the bar of the court. Should he then refuse to put in an answer, another *habeas* was applied for; and should he continue in the same resolution, an *alias habeas*, a *pluries habeas*, and an *alias pluries habeas* must successively be had recourse to, before the bill could be taken *pro confesso*. It was evident that much of this machinery was unnecessary, and the commissioners therefore thought it proper to inquire how far the time which a defendant was allowed for putting in an answer could be shortened. If the sheriff should return *non est inventus* on the attachment, another species of process was resorted to. In that case recourse was had to an attachment with proclamation, commission of rebellion, and commission of sequestration. All these pro-



cesses might have been necessary when the jurisdiction of the court was in its infancy; but now that the jurisdiction was fully established, it could not be requisite to incumber the suitor with the delay and expense occasioned by these various steps to effect the same object. It was important that sufficient time should be allowed to a defendant for putting in his answer, but it was likewise important that the time allowed should not be too much. The commissioners, after having considered the subject with great care and attention, recommended that a defendant should, after appearance, be allowed eight weeks to answer in a town cause, and ten weeks in a country cause, and that if he did not answer within that time, the bill should be taken *pro confesso*. Suppose, however, that the defendant put in his answer. It might be evasive. It was essentially necessary that the plaintiff should have the power of compelling a clear and specific answer to the questions which he proposed. If, therefore, the answer should be evasive and insufficient, the plaintiff had a right to except to it. This was an extremely important point, and he begged the attention of the house to it. Mark the consequences of an exception to an answer under the present system. The plaintiff having put in his exceptions to the insufficiency of the answer, the defendant contended that the answer was sufficient, and the question was then referred to the master, who decided against the sufficiency, and in favour of the exceptions. The defendant appealed from the master's decision to the Vice-Chancellor. The cause was set down for hearing; and perhaps three or four weeks, perhaps three or four terms, might elapse before it was decided. The Vice-Chancellor decided against the answer, and confirmed the master's report. The defendant then said that he was not satisfied with the opinion of the Vice-Chancellor, and he appealed to the Lord Chancellor. The cause was set down for hearing, and after another delay was decided, and the report of the master again confirmed. Was this final and conclusive? By no means. The defendant might appeal to the House of Lords. The cause was again set down for hearing, and a year, or a year and a half might elapse before it was decided, and then the result would be the confirmation of all the previous decisions. The defendant then had as much time allowed for putting in a further answer as he would have had if he had taken no exceptions to the master's report. The further answer might be insufficient, and the same round of decisions and appeals might be gone through again. He did not mean to say that the course of proceeding which he had described was always pursued, but it was certain that a defendant had it in his power to, and not unfrequently did, avail himself of all those means of delay. A third answer was put in, and this, like the other two, was for the purpose either of gaining time or of causing vexation, insufficient. The same round of decisions and appeals would again take place. This course of proceeding was not new. It existed in the time of Lord Bacon, of Lord Nottingham, of Lord Somers, of Lord Hardwicke, and of Lord Camden. The subject had engaged the attention of the commissioners, and they recommended that the decision of the masters should be final, and that a period should be prescribed within which a second and a third answer should be put in, and if the

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third were not satisfactory, the defendant should be committed to custody. He was aware that great diversity of opinion existed as to whether the decision of the master, upon exceptions, should be final, and it was fit that the point should be maturely considered; but if he obtained leave to bring in the bill, an opportunity would occur in a future stage for debating all such particulars. The commissioners had bestowed the most anxious attention on the subject, and their opinion was, that the decision of the master should be final, unless he himself chose to refer the question to a higher authority. It sometimes happened, that after an answer was put in, the cause was substantially at an end. The plaintiff found the answer to be completely decisive as to the merits of the case, and was satisfied that he could not proceed further. After the cause was thus substantially at an end, and the plaintiff was unable to proceed another step, and did not intend to do so, the bill could not be dismissed for three-quarters of a year. This was not all. The plaintiff might then, by taking advantage of a mere form, prevent the bill from being dismissed for three-quarters of a year longer. This was a practice which called for remedy (hear, hear). The commissioners had in consequence recommended, that if a plaintiff did not undertake to speed the cause within the first term after the answer was put in, the bill should be dismissed. The house would of course consider the wide difference between suits in equity and suits in courts of law. In the courts of law they tried one or two simple issues; in the courts of equity several issues were tried, extremely complicated, wherein the parties were all differently interested, and drew in different directions. The duration of a suit in a court of law, and the duration of a suit in equity, were not, therefore, capable of being compared. But, almost in the last stage of a suit, when delay after delay had taken place, and when the party was on the eve of being dismissed, all he had to say was, "I am advised to amend;" and, on the payment of nominal costs, the case had to begin *de novo*, and all the former procedure was renewed. This could be repeated; he had the same power in every stage; he had only to say "I wish to amend." The commissioners had therefore said, "You shall not amend after a particular stage, and not more than once." This power of amending was most essential to the party, because he was often placed in a different situation on account of the answer which was put in; but it was a power which should not be abused, and therefore the commissioners recommended that the party should not be permitted to amend more than once, unless a proper case was made out to the satisfaction of the court. Another and a most important check suggested by the commissioners was the payment of costs. He hoped the house would not understand him, when he pointed out these delays which might take place, if parties were willing to abuse the opportunities afforded them,—to affirm that it was common for this power to be abused. There had, however, been instances of gross abuse; and if there had been but one instance, it was the duty of the house to interfere. But as he had already shown that the jurisdiction of the Court of Chancery must exist, the commissioners could not do more than they had actually effected. His learned friend (Mr. Abercrombie), than whom there was



no person more competent to form a judgment upon this subject, must approve of this part of the report; for his learned friend had observed upon a former occasion, that a great deal might be done in abridging the causes between the commencement and the issue, and that there ought to be a special direction to the commissioners to attend to this point. The commissioners had pursued the course here suggested; and he (the Attorney-General) confidently appealed to the learned gentleman for his support on this part of the question. He would now return to the proceedings of the court. After the answer had been put in, the parties might go to a hearing upon bill and answer; the plaintiff, however, might amend. Evidence was then gone into before an examiner, and the case and evidence then came before the judge; but as questions often arose not exactly fit for discussion in an open court—such as matters of debt, and points requiring close investigation,—the judge directed these points to be heard before the master, who investigated the subject privately, and made his report to the judge. After this, the cause was set down for final hearing. He had pursued the case up to the issue; there was bill, answer, and evidence. By the present course the evidence was taken before the examiners by interrogatories, not *vivâ voce*, as in a court of law; and it formed a very important subject of consideration for the commissioners, whether this practice should be continued or not. He (the Attorney-General) confessed that his prejudices, as a common-lawyer, were strongly in favour of *vivâ voce* evidence; and he could not understand, at one time, why a different course should be pursued in the Court of Chancery from that adopted in a court of law. After reading the evidence taken before the commissioners, and after mature consideration, however, he confessed himself a convert to the practice of the Court of Chancery. He was convinced that no advantage would be gained by a change in the mode of taking evidence in that court, but, on the contrary, great injury. He would refer to one most important consideration,—namely, that the evidence could not by possibility be heard by the judge who heard the cause, unless the court were entirely remodelled, and unless two or three additional judges were appointed; and if the judge who ultimately decided the cause, decided it on evidence taken *vivâ voce* by another, all the advantages attending *vivâ voce* evidence would be completely lost. If no advantages were gained, what was lost? The expense was increased, and the suit was prolonged; for questions would arise respecting the admissibility of evidence, and delay would certainly ensue. He (the Attorney-General) had seen evidence taken before the Commissioners of Bankrupts, and the length to which it extended, and the inexplicable confusion which it exhibited, were such that he could not have made up his mind to decide on such evidence. Besides, these examinations would go on without end. A party would be able constantly to supply any deficiency he might perceive in his proof: hence the examinations would be protracted, and there would be strong inducements to the commission of perjury. Plausible, therefore, as the alteration seemed, it would be productive of no real advantage; but, on the contrary, it would be attended with the disadvantages he had described. He re-

membered that one of the witnesses, a gentleman of great experience now retired from the bar (Mr. Bell), when he was asked whether any instance had occurred to him in which the ultimate justice of any case had been defeated by the present mode of examining witnesses in the Court of Chancery, replied, "I do not recollect that in any case I have gone out of court with dissatisfaction as to the decision of the fact, where the judge, in the first instance, has thought proper to decide. Whenever it was a case where one could entertain a serious doubt, the judges have always sent it to an issue." He referred to this opinion with confidence, for there was no individual who had possessed more extensive experience in that court. This question had been discussed in another country, and the same view of it had been taken. About four or five years since, a convention was summoned at New York to consider of some alterations of the judicial system. It was there stated, that the law of the state was the English common law, modified by new statutes; that their Court of Chancery was constituted precisely on the same principles as our's. It was proposed to abolish the Court of Chancery—not to abolish its jurisdiction, but to unite the equity court to the courts of law. The proposition was discussed with great talent, particularly by one member; and, after a full consideration, it was deemed more wise and expedient to continue the present system. It was also discussed whether the examination of the witnesses should be *vivâ voce*, and an individual of great weight and respectability in that state had expressed an opinion which he would quote, because it coincided with the opinion delivered by Mr. Bell. [The learned gent. then read the opinion, and remarked the extraordinary concurrence of opinion between experienced persons in two different countries]. He believed that there were several persons who had entered upon the inquiry with the same prejudices upon this point as himself, and who, in the progress of the inquiry, had arrived at the same conclusion as he had. He now brought the cause down to the time of hearing; but he should postpone what he had to say on this head, till he came to consider that part of the case which related to the master's report. Every body must be aware that great delays existed in the master's office. But the house and the country were not to imagine from what he had stated that the inquiries could be dispatched with great expedition. The subjects which came before the master required great time for investigation; such as intricate accounts, disputed titles, and pedigrees, which consumed a large portion of time. All the commissioners could do was to take the circumstances under consideration. Under the present system the master was passive; the solicitors managed the case; and there was every inducement for delay on the part of the solicitors. When, therefore, the cause was known, the remedy was easy. If the master was passive, all that could be done was to arm him with authority, and enable him to act. It was also proposed, in such a case, to take the agency from the party in delay, and let the other be the actor. Let the masters be invested with these powers—let them attend to their duty well and faithfully, and delay in the master's office would no longer be a subject of complaint. He had now brought the case down to the final hearing, from the commencement



The commissioners had travelled the same route before him; and he thought he could say with confidence that not a single circumstance had escaped their attention. He now came to the consideration of a most important point—of what use was expedition in the progress of a cause, unless there was an expeditious decision? This point had not escaped the commissioners. It was necessary to apply a remedy, and an adequate one, to the evil as it existed. Before, however, he inquired into the extent of the evil, he would mention the remedy they had prescribed. With respect to appeals,—according to the present practice, on the hearing of an appeal from the Vice-Chancellor before the Lord Chancellor, new matter was introduced; although, from the very nature of an appeal, it ought to be decided on the old facts; instead of which, a cloud of new affidavits was introduced before the Lord Chancellor, who, in fact, decided on a new cause. Nothing was more unjust to the character of an inferior judge than this proceeding. It was an anomaly in the nature of appeals for new matter to be introduced into an appeal from a subordinate to a higher tribunal. The very nature of an appeal called into question the judgment of the inferior, which ought to be reviewed by the superior on an examination of the same facts. But it happened, from the circumstance of the Lord Chancellor and the Vice-Chancellor being considered as belonging to the same court, that this extraordinary anomaly had crept in, whereby a party could resort to indirect means of remedying a defective cause. The learned member (Mr. Abercrombie) had pointed out this as an evil requiring amendment. The commissioners had recommended that there should be no appeal allowed, except on a consideration of the same facts. The effect of this regulation would be to diminish the number of appeals; for it was owing to the admission of new facts that appeals had so much increased. There was another measure of considerable consequence recommended by the commissioners, and which he (the Attorney-General) regretted he should be the instrument to bring forward. The measure to which he referred was the limitation of the number of counsel to speak in a cause. He regretted that it should fall to his lot to propose a regulation which appeared calculated to prevent the junior members of the profession from distinguishing themselves. But he knew so much of the character of the profession, that he could undertake to say, that there was no body of men that possessed more probity and public spirit, nor more readiness to sacrifice their own interest to the good of their country, than that to which he had the honour to belong. After a long experience of their character, he was convinced that if they were satisfied the measure was necessary, they would submit to it with cheerfulness. The time which would be thus saved was evident. In page 96 of the report, Mr. Hamilton was asked, "How many counsel, to the best of your knowledge, were heard on each side?" He replied, "I think I counted seven on one, and five or six on the other; and there were as many in a case arising under Howard and Gibbs's bankruptcy." In another part of the evidence it was said, "There were seven or eight counsel in that cause; each of them spoke at great length" (a laugh). The Lord Chancellor made it a rule to read all the affidavits in a cause; and in the case of "Se-

nior against Smith," there were eight counsel and ninety-six affidavits. The proposed alteration would, in his opinion, be of great advantage to counsel. Whilst the number of counsel was unlimited, each was apt to leave the conduct of the case, in some degree, to the persons with whom he was associated (hear, hear); but if only two were allowed, each must and would exert himself. If the commissioners, however, had made a regulation prejudicial to the junior members of the bar, they had recommended another which was advantageous to them. He did not mean that it was intended as a compensation by the commissioners, but it was calculated to operate as such. Formerly, it was the practice in the Court of King's Bench for the senior counsel to proceed with his motions, and then the next; and it often happened that a junior counsel had no opportunity to move during the whole term. This very practice existed at the present day in the Court of Chancery; although, in the time of Lord Mansfield, this practice was altered in the Court of King's Bench. It was intended that the same alteration should now be made in Chancery. The commissioners had also proposed, that no person should be allowed to prosecute an appeal, except on a certificate of counsel, pledging himself that the application was fit and proper to be made to the Lord Chancellor. He was aware that an idea prevailed, that the signature of counsel in cases of this description would be mere matter of form; but no opinion could be farther from the fact. A learned member (Mr. Brougham) had observed, and with great truth, on a former occasion, that nothing could be a greater mistake than to suppose that counsel were disposed to recommend the bringing actions; and, upon that point, he (the Attorney-General) fully concurred with the learned member; but the signature of an appeal, it would have to be recollected, was a far nicer proceeding than even the recommendation of an action. If a counsel recommended an action and failed in it, he committed himself certainly, but the fact was known only to his client; but if he signed a certificate of appeal without sufficient cause, the failure would be known universally,—to his client, to the judge, to the bar, to the public. The necessary regard which every man had for his own reputation would become a sure protection, under such an arrangement, against the prosecution of appeals in any cases where substantial grounds did not exist for finding fault with the original decision. So much, then, for the course recommended with a view to diminishing the number of unprofitable appeals; to that course he anticipated very little objection; but he now came to a part of the subject upon which greater difference of opinion might exist,—the management of proceedings in cases of bankruptcy. The measure which was recommended by the commissioners had two objects,—the first, to lessen the number of bankruptcy cases brought before the Lord Chancellor; and the second, to facilitate the decision of such cases as should still continue to be brought before him. As the practice now stood, every question of fact connected with proceedings in bankruptcy came before the Lord Chancellor upon affidavit; and every hon. member, who was familiar with legal transactions, knew how difficult—he might almost say impossible—it was, upon affidavit, to decide upon any disputed question satisfactorily. Parties could



not be compelled to make affidavits: there was no power of cross-examination; and it required much time to balance and weigh conflicting testimony given in this way, particularly where either party was desirous of concealing the truth. For the serious operation of all these drawbacks, he appealed without fear to the learned member (Mr. Scarlett), or any other of the legal members who were in the house. Now what was proposed was, that, in the first instance, a certain number of commissioners should be elected, who should be the first judges applied to in all cases of bankruptcy. These commissioners were to form a court, which should decide, not upon affidavit, but by witnesses examined *vis à voce* before it upon all disputed facts, in cases of bankruptcy; and after their decision, each party was to have a right to appeal to the Lord Chancellor. The effect of this would be, that a great number of cases which now came before the Lord Chancellor would be disposed of by the commissioners, and those which went into the upper court upon appeal would be decided there, not by the present lengthy and inconvenient system of hearing upon affidavits, but upon the notes of evidence taken by the commissioners, before whom the cause had originally been investigated. In addition to the measures already detailed, it was intended to relieve the Lord Chancellor from his jurisdiction in cases of *habeas corpus*. With respect to what were called the arrears of the Court of Chancery, it was scarcely conceivable what a mass of misrepresentation had gone forth. The house would be surprised, after all that it had heard as to the arrears of the Court of Chancery, to learn, from the best authority, what the real state of the case was. With respect to the Vice-Chancellor's Court, in which all causes were first heard upon petitions, the arrear of business was very small indeed. The late Master of the Rolls, it would be remembered, had laboured for a long time under severe illness; in consequence of which a slight arrear had been occasioned in the Vice-Chancellor's Court; but, previous to that event, there had been no arrear of business before his Honour at all, and the causes set down in Easter Term had been regularly disposed of in the Trinity Term following. In consequence, however, of the illness, first of the late Master of the Rolls, and then of the present Vice-Chancellor, at the close of the year 1824, an arrear of about seven terms had been created. In eighteen months which had elapsed since, that arrear of seven terms had been reduced to four: this was an extent of delay not greater than was experienced in the Court of King's Bench; and he (the Attorney-General) had no doubt that, in twelve months more—without any assistance from the new measures—that arrear would be worked off altogether. Substantially, therefore, there was no occasion to provide for any arrear of business in the Court of the Vice-Chancellor. The portion of the Lord Chancellor's business which the house would now have to look to, lay in the rehearings and appeals; and some gentlemen had declared that it would take forty years to work up the arrear of the Lord Chancellor's Court as to those two departments. The fact was, that in the month of January last, the total amount of causes in arrear had been 109. How little that arrear of business had been increased within the last few years, might be gathered

from the fact, that, by the return ordered in the year 1822, the arrear of causes then stood at 105. Every gentleman acquainted with the mode of transacting business in the Lord Chancellor's Court, must be aware how very quickly that arrear would be got through, if his lordship had only the power of directing his undivided attention to it. He (the Attorney-General) had in his possession an account of the whole business which had been done in the Lord Chancellor's Court during the last three years; and he regretted that it was not formally upon the table of the house, that his members might see the laborious life which that noble and learned personage actually led. The fact was, that not a day elapsed in which the Lord Chancellor was not called upon to hear something or other in the shape of a motion, which it was of the highest importance to the parties concerned to have immediately disposed of. In a great variety of cases, where a hearing was not obtained instantly, the whole object of the proceeding was lost. In a case of an appeal from a decree, the hearing must be instantaneous, or the decree would be carried into effect; and the appeal perhaps embraced the whole merits of the cause. If it were said that the Lord Chancellor lent himself too readily to applications of this nature, the answer was, that he trusted—what else could he do—to the representations of counsel. The Lord Chancellor could have no intuitive knowledge of the merits of a case; he could only appeal to those who were acquainted with them. He could only say to a barrister—“If you assure me, as a gentleman, that if I do not take this case out of its common course, the greatest mischief will accrue to the parties—I will hear it.” In questions of injunction—of lunacy—in a great variety of other proceedings—day after day, the same thing constantly occurred to interfere with the regular business on the paper; and yet, with all this, the house would observe there was no increase of arrear. The arrear was almost the same now as in the year 1822; there was no arrear of bankruptcy cases or motions; the only arrear was in the re-hearings and appeals. The question then was—how should this arrear be got rid of? It was easily answered. The Vice-Chancellor's court needed no alteration at all; and all that was to be done was wanted only for the court of the Lord Chancellor. In that court, then, every thing which went to save time would tend to reduce the arrear (which was not increasing); but it was hoped that the measures recommended by the commission—which diminished the number of counsel allowed to be heard—limited the quantity of business to be done in the court, and simplified that which was actually transacted—it was hoped that, subject to the operation of these measures, the existing arrear of 109 causes would not entirely disappear. Having pointed out, as briefly as he might, the modes by which it was proposed both to diminish and facilitate the details of business in the Court of Chancery, he (the Attorney-General) had little more to add beyond a hope that the house would feel that the commission had done its duty. The commissioners had done all which, in their opinion, it was wise or expedient, in the first instance, to do. Let their present plan be carried into execution; and when the working of that alteration was seen, if farther remedies were needed, those farther remedies might be applied.



In what he had stated to the house, he had abstained entirely from every personal or party allusion. He had done so, because he thought that the object now was to amend, or make perfect, a great and important system; and, in fact, so completely did he feel the system, and the system alone, to be the subject in question, that he had not even once alluded (except incidentally) to the noble individual who had presided for so many years, and with such distinguished zeal, and learning, and ability, over it. In truth, to the praises which, from time to time—even by his bitterest political opponents—had been bestowed upon the talents and industry of that noble lord, he (the Attorney-General) could hope to add nothing. He had heard from the learned member (Mr. Abercrombie) such an eulogium upon the noble lord's acquirements—upon his uncommon memory—on his profound and intimate knowledge of the law of his country—and his extreme anxiety to do justice to suitors—as made it needless that any thing should be added to it. To go further, and to quote the opinion of one who, as his means of judging had been great, so his political hostility to the noble lord had been most marked—he might almost say most active—the late Sir Samuel Romilly had said of the Lord Chancellor, that no man he (Sir S. Romilly) had ever known, or read of, had possessed more talent to qualify him for his place. That he had never met a judge so anxious to do justice to the suitors in his court; that if he had a fault it was an over-nicety and anxiety upon that head. To testimony like this, it became impossible to add any thing. The noble lord to whose conduct it was given, had been 50 years in the service of the public. From the first moment when he had attracted the public eye, he had been marked out for the situation which he now held; and not one act had there been in his whole life which had not confirmed the opinion originally entertained of him. It was but due to the Lord Chancellor to say, that, as a member of the commission, his conduct had been most active, candid, and liberal. No man could have been more ready to point out difficulties, or to rectify any abuses, or check any needless expenses in the constitution of his court, than he had been. Farther, in the way of commendation, it would be offensive for him (the Attorney-General) to go; and he had already, he feared, too long occupied the attention of the house; he should, therefore, finally sit down by moving “for leave to bring in a bill to carry into effect the measures recommended by the late commission upon the practice of the Court of Chancery.”

Mr. John Williams did not propose to follow the learned gent. through the whole details of his speech; in which, however, it might be as well to observe, the learned gent. had omitted to give any explanation as to the object or purpose of his bill. For the panegyric which the learned gent. had pronounced upon the commission, he at least deserved the warmest thanks from all concerned in it; and he (Mr. Williams) would certainly so far imitate the tone which had been taken as to keep the discussion as free as possible from party or political allusions. The report would do good, no doubt, as far as it went. The only question was, whether it went far enough; and upon that point he was compelled to say he thought not. Notwithstanding all the demonstration of the learned Attorney-General, the fact that there

were grievous complaints, and had been for years—complaints both loud and deep—against the Court of Chancery, remained unaltered; and the fault of the report before the house—though, no doubt, it would do good, if it were only by exciting observation and inquiry—was, that it failed to apply itself to the main and important features of the grievance. What was to be effected by this bill which might not have been done 25 years ago by the simple interposition of the authority of the noble lord at the head of the court himself? He spoke now upon the best authority—the best evidence. Almost every thing which the commission proposed to do, the Lord Chancellor might have done by his own authority years ago. Mr. Bell, who had made a large fortune in the Court of Chancery, and was not likely hastily to quarrel with the conduct of it, said, in page 392 of the report, “Much should be left to the discretion of the judges, who, I think, are competent, without legislative assistance, to make most of these reforms which have been alluded to, and are best able to do it, as they may vary and alter their rules as experience demonstrates the necessity.” And yet, whatever was the necessity, it was certain that nothing had been done. Again, in the evidence of Master Stratford was the following passage:—“It is a matter of great regret, looking to the circumstance that the more material ordinances heretofore made for the regulation of the several offices of the Court of Chancery were made by the Lord High Chancellor for the time being [or persons holding the great seal, from the time of Lord Bacon downwards, not forgetting even the time of the Protectorate, and much less the times of Lord Clarendon and Lord Nottingham]; and looking also, not only to the learning, but to the experience and wisdom of the present Lord High Chancellor, that he has not followed the example of his great predecessors, and of himself determined what alterations in the practice of the several offices of the court may now be usefully made and ordained accordingly.” Still, notwithstanding the manifest, and now avowed, inconveniences of the existing system, no alterations or improvements had ever been made. With reference to the report itself, it did not appear that it had by any means been generally assented to by the commission; and it was not so much as signed by Lord Redesdale. As to the remedies which were recommended by the commissioners’ report, it was much doubted by the members of the profession whether, if carried into effect, they would produce any benefit. It had been stated by the Attorney-General, that the commission had afforded every facility to inquiry; that they threw their arms wide open to complaint; and that the whole profession were invited to furnish their suggestions, and to offer such hints for the improvement of the Chancery system, and the remedying of its abuses, as their experience might suggest. But neither the solicitors, nor the metropolitan law societies, were applied to or consulted, although the evidence of the former body of men in particular would have been found most useful. Indeed, he had been informed that no person, who had not been especially summoned, had been brought before the commissioners. He had not heard of a single volunteer. He therefore contended—and he thought he had a right to contend—that although the evidence brought forward before the commissioners was not, perhaps, deficient in autho-



rity, it was too limited in extent (hear, hear). Solicitors were not duly represented in that commission. Judges were well represented, and learned gents. with stuff gowns, and with silk gowns, and the masters and officers of the court, were all duly represented, but not a single solicitor had a voice in the commission. The reason implied, if not assigned for this exclusion, might be found in the 23d page of the report, where it was said that the delays in Chancery were to be mainly attributed to the solicitors. He (Mr. Williams) did not believe one word of that charge. Every man who knew any thing of the conducting of a Chancery suit, must be aware that large advances of money were frequently made by the solicitors at the commencement of a suit, in order to meet preliminary expenses and to fee counsel, who in many instances were nine or ten in number. In a case last term, the counsel for the plaintiff said, that if all the defendants were allowed to put in answers he should be obliged to pay 300l. for office-copies, in order to see what had been sworn against him, so that in this instance 300l. might have been advanced by the solicitor upon the outset of the suit. He mentioned this, in order to shew that large advances were constantly made by solicitors; and with this fact on record, with what consistency could that body of men be charged with creating delays in Chancery? Was it not their object that the suit should be as speedily determined as possible? and for this convincing reason—that the sooner it was decided the sooner would they be reimbursed their heavy advances? With what show of truth or consistency could it be maintained, then, that solicitors were the cause of delays in Chancery, when their dearest interest lay the other way? He believed that if solicitors had been on the Chancery commission, that they would have laid the blame of delay on a higher quarter. With respect to the subject of injunctions, the report had stated nothing satisfactory on that head. When a plaintiff at common law had obtained judgment and a writ of execution by a process which certainly could not be esteemed too short, he was often stopped by an injunction, and subjected to the vexatious delays of the Court of Chancery. Having tried and succeeded in his cause in a court of common law, he had to go over the whole ground again in a court ignorant of the merits of the previous proceedings, and acting on different rules of justice. Upon that point the report did not touch. On the subject of contempts, also, the report was silent. It had been his duty, as well as that of other hon. members of that house, to present petitions from persons labouring under poverty, and who did not wilfully incur contempt. If a party had contumaciously refused to abide by an order of the court, it would, undoubtedly, be proper that the party so refusing should be imprisoned; but it was the abuse of that rule to visit it on poor and unoffending persons. He remembered that his hon. friend (Mr. Hume) had some weeks since presented a petition from a man of the name of Richardson, who stated, that it was not his fault that he was held in contempt and imprisoned for the same. In the discussion to which that petition had given rise, it had been stated, that a child was also a prisoner with its father; and he remembered very well that the rt. hon. Secretary (Canning) expressed his surprise at that assertion, and said that it was quite impossible

that any such circumstance could have happened, and he (Mr. Williams) thought at the time that the statement was overcharged. He had, therefore, taken the trouble of writing to the Governor of York castle, the prison in which Richardson was confined. A reply had been forwarded to him verifying the truth of the statement in every particular, and stating distinctly that the child was committed a prisoner for an implied contempt of the Court of Chancery. The terms of the commitment ran thus—"Herewith by virtue of a writ I command you, in the name of his Majesty, to take charge of the bodies of James Richardson and his boy, and that you receive them into your safe keeping, there to answer to his said Majesty, for contempt to the High Court of Chancery." This was the system that was without reproach—the immaculate, unerring Court of Chancery (cheers). There was another subject which the commission had touched upon with a degree of gentleness that was truly edifying—he meant the subject of conveyancing. It was stated in the report, that much delay arose in consequence of the prolixity of conveyancing. Now it was obvious from this, that the whole system of conveyancing, as connected with the practice of Chancery, should have undergone a close investigation, in order to come at once to the root of the evil. The commissioners, indeed, had recommended with great fortitude that proper persons should consider the subject; but, according to analogy, it was probable these persons would be the five or six conveyancers who monopolized the practice; who were as well qualified to do justice in that respect as those others who had been sitting in judgment on themselves. He would now come to the most important points which the commission had overlooked in their report. Had the commissioners taken pains to examine into the abuses which arose during the progress of a suit? Did they not know, in cases of appeals, that five or six years had elapsed from the time of setting down for a hearing until the hearing actually took place? In the case of "The Attorney-General against Brooke," six years elapsed from the setting down to the hearing; and in the case of "The Attorney-General against Brown and De Tastet," it was nine years from the setting down to the hearing. In cases of motions, some of them had occupied two or three years before they were disposed of. Mr. Basil Montagu, the commissioner of bankrupts, had given three instances of prolonged cases of bankruptcy. One of those had been touched upon by the report. It appeared that they severally occupied nine, eight, and seven years, up to the year 1824, and in 1825 two cases out of the three still stood upon the paper (hear, hear). Had the commissioners heard of the quantity of causes that remained for judgment when they commenced their labours? The house and the country both demanded that something should be done to expedite the business of a suit towards its termination. The period from the hearing of a case until judgment should be pronounced upon it was a stage, with respect to which the country was totally in the dark. That, he considered, was one of the most crying grievances of the Chancery system. It was the longest and most expensive period, not to speak of the increased anxiety and torture which every moment of delay gave to the unfortunate suitors. The expense at that time was enormous. He himself



knew of a case, in which 1000*l.* had been expended upon attendances to obtain judgment; and the judgment was often rendered ineffectual from the incorrectness with which the minute of it was taken by the register. By a reference to page 453 of the report, where the case of "Fitzgerald v. Balfour" was quoted, an instance would be found of the incorrect manner in which a minute had been taken, and of the mischief consequent thereon. It was the case of a bill filed for the specific performance of an agreement entered into in the East Indies, respecting a debt from the Nabob of the Carnatic. "On the 30th of July, 1817, a motion was made before the Lord Chancellor that the defendant might be directed to pay into court the amount of the debt in question, with interest thereon at twelve per cent. (the Indian rate of interest); and an order of some kind or another having (as it was supposed) been made by his lordship, minutes of such supposed orders were drawn up by the register according to the notice, and delivered out to me; but the defendant's solicitor having alleged that no order was made, or at least no order to the effect stated in the register's minutes, and which question the register (not having, as it afterwards appeared by his book, taken any minutes of his lordship's judgment) was unable to decide, a further application to the court became necessary; and on the 10th of December, 1817, such application was made, when the Lord Chancellor promised to look into the papers (which he took home with him for that purpose), and give his judgment at some future time thereon. No judgment, however, was afterwards given, although repeated applications were made by counsel for that purpose. On the 22d of May, 1820, I took the liberty of addressing a letter to his lordship on the subject, in answer to which, he promised to give judgment on the Saturday following. No judgment was, however, given, and in the month of November, 1820, I determined to set the cause down for hearing before the Vice-Chancellor, who decided that the defendant was bound to pay the principal debt, and 12 per cent. interest thereon up to that day; but upon the defendant objecting to have interest decreed against him at the rate of 12 per cent., the matter was referred back to the Lord Chancellor, who decided that he had already made an order in the case." So that it appeared that the matter slept for four years.—In the following page of his evidence, the learned member referred to the case of *Erskine v. Garthshore*, as another illustration of the evils of the present system of the Court of Chancery. In that case, a person named *Husbands* was a claimant against the estate of Mr. *Garthshore*, who had been declared a lunatic. Before any report could be obtained from the Master, *Husbands* died. His executors revived the claim on the 4th of June 1810; the Master reported that a sum exceeding 20,000*l.* was due. Exceptions were filed, but on further inquiry the Master confirmed his former report. In November 1816, the case was heard at length before the Lord Chancellor, and he promised to give judgment in a few days, but had never done so up to the present moment. In 1824 the claimant's widow died, leaving two orphan children, who, after being for some time maintained by the Solicitor in the country, were finally sent to the workhouse, and who, if still alive, were yet supported by charity. On the 22d of May, 1820, the hon.

member (Mr. Leake), as solicitor on the other side, called the Lord Chancellor's attention to the case, and intreated that judgment might be given. His lordship returned a note, in which he stated, that the papers in that cause had been long ago taken from his table, and that as soon as he recovered them he would dispose of it. Notwithstanding this promise, the cause still remained for judgment; and as Mr. Campbell, the Master, had since been made Accountant-General, the consequence would be, that if his report should be disallowed, the proceedings must commence *de novo*, and the expense already incurred of 1500*l.* would be entirely cast away. He (Mr. W.) knew that he should be met by being told that these were individual cases of extreme hardship, and that they formed no just ground of blame against the general system of the Court of Chancery. The complaints, forsooth, originated in fancy, and had no foundation in reality. Within the happy regions of that court there was neither distress nor disappointment (hear, hear). He would continue to answer these assertions by facts. A case of a singular nature had lately reached his knowledge. The suit was commenced in 1814. Before the Vice-Chancellor a demand was established by the plaintiff, Mr. Welling, against the estate of the defendant, who was represented by a woman named *Kinnersley*, who was formerly in partnership with him. An appeal was made from the Vice-Chancellor, and from 1819 to the close of 1824, the cause stood sometimes at the top and sometimes at the bottom of the Lord Chancellor's paper, where it still remained without having been heard at all (hear, hear). In July 1825, one of the parties who had furnished him (Mr. Williams) with the information, wrote to the Lord Chancellor, requesting his lordship to give judgment. The answer he received from the Lord Chancellor was, that he would that month state his opinion on the case, and hand down to the register the minutes of a decree. In the November following, Mr. Welling, the plaintiff, who was a partner in the Ludlow Bank, and to whom 32,000*l.*, the sum at issue, was at that time of great importance, went personally into the Court of Chancery, and addressed the Lord Chancellor, complaining of the delays and disappointments he had suffered, and begging that his suit might be speedily terminated, for which nothing was requisite but his lordship's decision. He stated that he was upwards of 70 years of age, and that at his time of life, having 17 children and 27 grand-children, he was desirous of being able to close his affairs. The Lord Chancellor, after some reflection, remarked, that he had given judgment in that case six months before. The register was applied to, but it appeared that the minutes of the decree had not been written, and they were not written yet (hear). The mischief, unfortunately, did not end there. Mr. Welling was, as he (Mr. Williams) had stated, a partner in a country bank. In March last, a run took place upon the bank; the 32,000*l.* in Chancery might have saved it from ruin, but it fell for want of support, and the old man became a bankrupt (hear, hear). Another case he would relate, on the authority of an affidavit made by the solicitor, Mr. Weightman (we believe). It was that of *Simkins* and others v. *Fowler*. In this case exceptions were filed. The parties waited four years for the decision of another cause which, it was supposed, being alike in principle, would necessarily decide



their's. But they had found themselves mistaken. No decision had yet taken place in them. The suit had been pending thirteen years in Chancery, from the time of an appeal from the Rolls. It began in 1812. In 1824 the defendant became bankrupt, and died in the poorhouse of Kensington, in which place the affidavit described him as having previously been a respectable inhabitant. He (Mr. Williams) would state the facts of one case more. He would not mention the names of the parties, or the solicitor, unless he was requested. The statement he should make would be founded on a faithful transcript of the brief. In Michaelmas term, 1822, the plaintiff filed the bill. In the January following, two of the defendants put in a demurrer; the third defendant neither demurred, pleaded, nor answered. In Easter term, 1813, the demurrer was heard before Sir T. Plumer, then Vice-Chancellor, and by him allowed. That judgment was dated 19th May, 1813. In Trinity term, the defendants appealed to the Lord Chancellor, having made the usual deposit of five pounds. In Michaelmas term, 1818, the appeal was heard before the Lord Chancellor, but no judgment was given. His lordship wished to see the copy of a deed of trust. The instrument was obtained from the country, and left with the Lord Chancellor, but no judgment had been pronounced up to December, 1824. The cause had stood six years for judgment; and this delay, besides producing much anxiety and disappointment, necessarily entailed great expense with the clerks in court, and in effect amounted to a denial of justice. Considering the risk of deaths, as it seemed impossible to expect that the cause could have become ripe for hearing without much further procrastination, the parties despaired of living to see the suit finished, though it was not by any means intricate in its nature. They, therefore, felt themselves obliged to compromise it (hear, hear). What effect had these delays in increasing the expenses of this court? Let the house refer again to the evidence of the member for Malmesbury (Mr. Lenke). He stated, that as solicitor, his bill for costs alone amounted, in one case, to 1000*l.*; in another to 1000*l.*; in a third, to 1500*l.*; in a fourth, including the common law costs, to 12,000*l.* (hear, hear). This part of the inquiry was not gone into by the commissioners, though it was obviously essential to the due consideration of the general question. It was incumbent on somebody, he (Mr. Williams) maintained, to originate some measure to carry off this great and crying evil of everlasting and ruinous delay. His learned friend (the Attorney-General) might promise them that a time would come, and perhaps ere long, too, when all complaints would cease; but he (Mr. Williams) cautioned them against founding any such expectations on the bill which his learned friend intended to introduce, or on the report by which it had been preceded. He would trouble the house with a short passage bearing on this subject, from "Jortin's Ecclesiastical History." That writer explained how King Theodoric, whom he praised as a prince brave in war and wise in peace, expedited the administration of justice in his dominions in Italy, over which he reigned many years. A woman complained to him that she had been three years at law with a senator, and could obtain no decision of her suit. The King sent immediately for the judges, and told them that

if the cause were not speedily decided, they should be put to death (cheers and laughter). Whether the principle of executing some judges as a warning to the rest, was one which could be exercised for the benefit of the whole bench, he would not say; neither would he express any opinion on the propriety of preventing delay in Equity suits by following the example of Theodoric—an example which, he would venture to declare, would not be received very agreeably if it should be recommended to his present Majesty, as one which could be imitated in the Court of Chancery—at least it would not be agreeably received with regard to the noble, learned, and very excellent lord who now presided in that court. He (Mr. Williams) was the last man who should recommend such a course to be pursued with regard to that noble lord, whom he would rather hand over to the commissioners (of whom he was one) to direct the future course of his judicial conduct;—to those commissioners—who would not hurt a hair of that noble lord's head—who would not strip from him one plume with which he was now decorated—who would not abridge the smallest part of his legal patrimony—who would not interfere with any of the now never-ending cases litigated in that court, nor with the patronage of the new beginnings. He was of opinion that there were many points on which the commissioners ought to have received evidence, and have stated it in their report. In the absence of evidence, he thought no correct judgment could be formed, and therefore, whatever credit he might give to the intentions of his learned friend (the Attorney-General) he must say, that in the present instance the house was required to legislate in a manner to which he objected; and he called on it to hesitate before it consented to legislate partially, and in the dark.

The Solicitor-General said, that he should make his stand simply on the ground that he, with the rest of the commissioners, had fully performed their duty. They had been accused by the learned member of not having received the evidence of solicitors, from whom much valuable information might have been acquired. The accusation was directly the reverse of the fact; for not only had the commissioners received the evidence of solicitors, but they had actually given an invitation to solicitors to come in and deliver their testimony on all the points on which they thought they could afford any information to the commissioners. It had been stated as another ground of accusation, that solicitors should have been constituted members of the commission. He differed from that opinion; and he was prepared to assert, that in no instance had a commission been so constituted. The commission in Lord Hardwicke's time was not so formed, nor, in fact, was there any instance of a commission to inquire into the practice of a court of record in which the powers of that commission had been delegated to persons who practised in it as attorneys or solicitors. The commissioners had been accused of not hearing any evidence on the subject of the delays in the court, and when the learned member made the accusation, he looked to the hon. member (Mr. Lenke), as if expecting his support in that statement. Now it was a singular circumstance that that hon. member was one who had given evidence on that very point, and had spoken with reference to some delay which he supposed had taken place in a judgment delivered in the Court of



Equity, but with regard to which he was undoubtedly mistaken. For himself, he was prepared broadly to assert, that no information had been kept back, and on all the cases to which the attention of the commissioners had been called, he was ready to give any explanation that might be deemed necessary; but it was impossible to answer all those complaints which were now started for the first time, and of the existence of which he had not been aware until they were produced in the house by the learned member (Mr. Williams). With respect to the case of *Erskine v. Garthshore*, he should think it necessary to make but one observation. There was certainly a very strong intimation of his lordship's opinion in that case; and after that intimation had been given, his impression was, that the parties had agreed to arrange the case, and he had always considered that it had been terminated in that manner. To the case of "*Brown v. De Tastet*," he thought he could give a satisfactory answer. In consequence of the exertion of that rapidity of decision, that judicial haste, which some imagined to be deserving of panegyric, it became necessary to carry that case into a Court of Appeal. The delay in that case was a delay not of the judge, but of the individuals concerned in the case—a delay which the counsel and the parties had determined on as the best means of obtaining a complete and final judgment in the case. He was convinced that if the five or six other cases which had been mentioned as instances of delay could be examined in the same manner, the result would be the same; and he felt assured that every petition which had been presented to that house, complaining of the delays in Chancery, had, on examination, turned out to be a mass of utter falsehood, of gross and scandalous calumny. One petition which had been presented by the hon. member for Hull (Mr. Sykes), and in which the hon. member (Mr. Hume) had taken so warm a part, as to justify him in being described as the colleague of the member for Hull, complained of the Lord Chancellor having ordered a re-taxation in a case in which a bill had been submitted to taxation 12 years before. In that case, one of the parties concerned had taken an illegal and fraudulent bond, and had sued out and levied execution on that bond, and had taxed his bill. All these proceedings, it afterwards appeared, had taken place under the administration of a committee, who was directed, in every thing, by the influence of the party for whose benefit they were adopted. When a new committee, who was not under the influence of that person, was appointed, an examination was instituted, and some legal fraud having been discovered, a petition was presented to the Lord Chancellor, praying that he would order the bill to be re-taxed. His lordship granted the prayer of the petition—and no less than a sum of 100l. had been struck off on one part of the taxation. He believed that the sum struck off on the other part only amounted to 3s. 6d., but that was caused by the fact, that such a confusion was created by the parties at the second part of the re-taxation, that it was found impossible to proceed with it. He thought that the complaint of the hardship of allowing a re-taxation, after such a lapse of time, was fully answered by these facts. He was glad to find that the language in which these charges were made against the Court of Chancery had lost the asperities by which it was formerly distinguished: and the learned

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member (Mr. Williams), instead of indulging in those asperities, had enlivened the house with pleasantries from the writings of Cicero and the acts of Theodoric. These pleasantries, however, though delightful in themselves, formed no answer to the facts which he had just stated to the house. He did not mean to say that there were not any cases whatever in which the Lord Chancellor might not have come to a judgment a little sooner than he had done. He was certain that that noble lord was a man of too much conscience, feeling, and integrity, to assert any such thing; but he was also sure, that this trifling delay was nothing but the result of an over-anxiety fully to weigh the merits of a cause before he decided upon it. The number of instances in which this delay was said to have taken place had lately been much diminished, and he was convinced that the resolutions to which the commissioners had arrived, would do practically as much as could be effected in abridging the time and expense of suits in the Court of Chancery. The alterations recommended by these resolutions were admitted to be beneficial, in order, as it seemed, to ground an attack on the Chancellor, respecting whom, it was asked, why he had not himself exerted the power he possessed to make these alterations in the practice of a court in which he was supreme judge? The answer to that question was easy. The practice of the Court of Equity, as it now stood, had been framed by Cromwell's commissioners, and had afterwards been adopted by Clarendon, since whose time it had been acted upon up to the present day. When, therefore, he was asked why the present Lord Chancellor had not effected these alterations, his reply was itself a question, for he asked, in return, why had not the Chancellors, King, and Thurlow, and Camden, effected these alterations? If Lord Eldon was wrong, he at least had the merit of being so in good company. There was a community of error with him, and some of the noblest and highest names that ever graced the office he occupied. Besides this, there was another answer to that question. It was stated, that Lord Redesdale objected to the principle of these resolutions. Now that noble lord was undoubtedly a man of the highest authority in all chancery matters, and under all the circumstances, therefore, it would have been too much to expect that Lord Eldon should take upon himself the responsibility of making these changes. If he had done so, and any error had afterwards been discovered, any inconvenience, or any new expense had grown out of the altered practice, all the blame would have been charged on the Lord Chancellor, for not having previously come down to parliament to obtain the sanction of their authority for the alterations. Lord Thurlow, who was a man of undoubted nerve, had never been brave enough to take upon himself the responsibility of making any great alteration in the practice of his court. Lord Rosslyn had only attempted to make one, and none had been made by any of his successors, although Lord Chancellors King and Camden were both reformers, and would not have hesitated to make any alterations which they thought they would be justified in effecting. Still, however, none had been made, except here and there a stray order of no importance. He was, therefore, justified in saying, that the present Lord Chancellor was not to be attacked for not having done what every one of his predecessors,

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from the time of Lord Clarendon to the present moment, had abstained from doing. The page of judicial history proved what he had asserted, that no considerable change had ever been made in judicial proceedings but by the authority of the legislature. He alluded, as an evidence of this, to the statute of Anne. There could be no doubt that the judges of that day possessed the power to have directed that all the pleadings in their Courts should be in English, but they had not done so, because they would not take such a responsibility on themselves. The details of the improvements recommended by the Resolutions had certainly not been stated at length to the house. The Attorney-General had not told them how many days and how many weeks there might be saved by the new practice; and it would be sufficient to say, that the general saving amounted, in cases not litigated, at least to three Terms, or nearly to one year; while in some litigated cases it extended to one year and a half. He observed that the learned gent. (Mr. Williams) had not pointed out one of the 180 Resolutions, which he considered to be defective. He believed the cause of this to be, that that learned gent. was convinced that they met with the general approbation of the profession. He was aware that they were considered as beneficial by many most respectable solicitors, and their opinion was confirmed by that of Mr. Bell.—An hon. member (Mr. J. Smith) had said, that it was desirable to avoid the circuit of accounts in the Master's office, or, in other words, that common matters of account should go to a private accountant, that where legal questions were not mixed up with them, they should be referred to the *forum domesticum* of a private arbitrator. He (the Solicitor-General) had been struck with the remark, and one of the Resolutions which now appeared in the Report of the Commissioners was, that the Master should be at liberty to refer to a private arbitrator, all matters of account, which he was of opinion could be properly adjusted in that manner. The Resolution, however, did not stop there, for, to prevent all delay, it provided further, that the Master should, in such cases, be at liberty to act for the benefit of infants, married women, and lunatics, and to consent, on their behalf, to the reference to a private arbitrator. He was not one who would sacrifice justice for mere popular applause; but this was one alteration, as to the merits of which he thought there could be but one opinion. He believed also that much benefit would be obtained by the altered mode of obliging a defendant to meet a bill of discovery, not by plea, but by answer. It was of importance that persons should have the power of appealing to the Vice-Chancellor, or Master of the Rolls, but not that they should have the power of appealing to both. This alteration would have the effect of doing away with double appeals. There was another point to which he wished to direct the attention of the house. In consequence of there being no means of forcing attorneys to bring their decrees in to the Master, great inconvenience was sustained; and the new regulation provided, that within six weeks the Master should have the power of compelling solicitors to bring in their decrees. It had been considered by some expedient that the division of bankruptcy cases should be detached from the Court of Chancery. But this was a branch of the business of the

Chancellor, which he should never wish to see deputed to others. In fact, the evil was, that persons who applied to the Commissioners of Bankrupt, never seemed to consider that such application was to be decisive; but the proposed improvement of the bill was to select Commissioners, who would conduct the business with regularity—before whom the case would be stated completely, and who would pronounce judgment. So that when the hon. member (Mr. Williams) complained that nothing had been recommended to relieve the Lord Chancellor, if he considered that in the last year there had been 500 bankrupt petitions presented, and suppose that one-half or even one-quarter of them should be struck off, would the learned member then say that nothing had been done to relieve the Lord Chancellor, or diminish the business of the court? It was universally considered that there must be an appeal somewhere. The House of Lords would be an inconvenient tribunal for such a purpose, and it was, therefore, proposed to transfer the power to Commissioners, and to reserve the appeal to the Chancellor. On this subject there seemed to be a great difference of opinion. This seemed to him the best course. The imprisonment of the infant which had been complained of was owing to the friends of the party not taking the proper steps to prevent it, and the same thing might have happened at common law. He should only remark, in conclusion, that with respect to the details of this measure, he had, in conjunction with his learned friend, the Attorney-General, given them all his attention with a view to arrange every topic that it seemed expedient to introduce.

Mr. M. A. Taylor would admit that that report did possess some merit, but it had fallen far short of the object which it ought to have effected, and it had left very much undone which it ought to have performed. That the commissioners had diligently investigated and examined into the subject he would not deny. But he wished the house to look to the evidence of Mr. Shadwell, a most able Chancery barrister. When this gentleman was asked by the commissioners whether he considered the judges of the court competent to get through the business of it, his reply was, that he was persuaded three angels could not do it. Yet the commissioners had entirely passed this matter over. They ought to have recommended the separation of the bankruptcy business from the great seal. The Court of Chancery ought also to be a court entirely independent of political power or principles. The judge of it ought not to be distracted by political business, but should be able to sit *de die in diem* for the dispatch of business. He meant nothing personal against the Chancellor—he had not the slightest wish to give him any offence, but he had a right to deliver, and he should not be performing his duty if he did not fearlessly deliver his sentiments on this subject. He and his friends had been working hard for twenty years endeavouring to convince the Government and the country that the system of this court was not as perfect as it might be, and to procure some reform in it; and he might presume to say that he ought to know something about the court, as he had practised fourteen years in it; but all their efforts had proved fruitless—no attention was paid to their representations; now indeed a new light had broken in upon the Government, and they had found out that the system was bad—



but still it was said that most of the evils complained of were fancied abuses. When, however, men were ruined and undone, and when the fortunes of orphans were locked up in the court for years, he thought the sufferers would not readily be persuaded that their grievances existed only in their fancies. There was no need to enter into any detail of cases of this kind; they were already in print, and all who wished might read them. The report stated there had been no delay: people, however, did not understand how suits could be going on for years without there being culpable delay somewhere. It also stated that a suit might beneficially last for half a century; but surely the commissioners must have taken the House of Commons to have been idiots, or else they could never have thought of making such an assertion. What then, he would ask, had been gained by this report—the commissioners had not suggested any thing in it on that particular point to which their attention ought to have been peculiarly turned by the direction of his Majesty,—viz., whether the Court, as at present constituted, was competent to perform all the duties which were attached to it? The Solicitor-General had said that he would have been a bold man who should have taken upon himself to alter this system without the sanction of the legislature, and had contended that Lord Eldon had, in this respect, only acted as former Chancellors had done: but he would mention one instance in which a considerable improvement had been made by Lord Eldon, *ex mera motu*, and which he (Mr. M. A. Taylor) had repeatedly recommended without effect. This was the appointment of a deputy speaker, who might sit in the House of Lords from day to day, for the determination of appeals. He could not see why a deputy speaker was not as necessary in 1811, when he proposed that he should be appointed, as in 1822, when the appointment was actually made. Whatever might be the talents or industry of an individual, it was not possible for him—it could not be expected of him—that he should be able to do every thing. The Solicitor-General had contended, that there was no arrear of business in the Court of Chancery; but he believed there was a very great arrear, and of that sort of business in which any arrear was most to be deplored—he meant of causes remaining for judgment. There was also a very considerable delay in making out the minutes of the decrees, and indeed the register's office was in a state of the greatest confusion.

Mr. Peel said the object of his learned friend (the Attorney-General) was merely to get the bill printed, in order that a full opportunity of considering its principles might be afforded before next session. This was not the precise time for discussing those principles. He could not, however, avoid saying, that the learned gent. who had just sat down had not dealt fairly with that report. He had said that the report had dealt very lightly on the subject of delay, and had represented that a Chancery suit might be beneficially carried on for fifty years. Now the report had only said that there was a great popular misunderstanding on the subject of delay, and had shown, that in cases of trusts and in matters relating to infants, it might often happen of necessity that a cause must remain in that court for a great many years; and indeed, when it was recollected that property might be tied up for a life in bo-

ing, and one-and-twenty years afterwards, during all which time the administration of it might unavoidably be under the direction of a Court of Equity, it would be readily seen that it might very possibly happen, without any delay, mismanagement, or prejudice, that a cause might remain in that court for half a century. Neither had the question as to the separation of the bankruptcy cases from the great seal been quite fairly stated by the hon. member (Mr. M. A. Taylor). Certainly Mr. Shadwell had advised such separation; but then he was the only witness, (and many other witnesses of the greatest experience and ability had been examined) who had recommended this, and Mr. Shadwell himself had proposed that the bankruptcy business should be committed to four or five judges to be appointed for this purpose. The commissioners said, that the knowledge required to decide in cases of bankruptcy, comprised a complete knowledge of the practice in equity; that the business in bankruptcy was not sufficient to occupy the entire time of one judge; that it was of a nature which required the existence of a court of appeal; and that the course which they recommended for adoption, appeared in many points of view less open to objection than the entire transfer of bankruptcy from the Court of Chancery. The hon. member also complained that the commissioners had not gone far enough in the recommendation which they offered to the house, whilst others of his hon. friends, and especially some near him, complained very loudly that the commissioners had gone too far. What did he infer from these conflicting opinions?—That the commissioners had steered sufficiently between the two extremes, and had submitted such propositions to the house as they deemed wise and necessary, even though they knew that such propositions must lead to very extensive innovations and reforms. He was likewise surprised at the different views which the hon. member (Mr. Williams) had taken of this report, on the present and on a former night. He had formerly complained that it contained 180,000 different propositions—he had now reduced them very quietly down to 180. He had formerly complained that the report contained too much—he had now found out that it contained too little. In the course of his speech he had declared that there were most important omissions in it. He had lamented that the commissioners had not entered into the question of conveyancing, of injunctions, or of contempt. Now if the commissioners had entered into the consideration of these questions, they would have entered into an inquiry that was not referred to them. He should conclude the few observations which he had to make upon this subject, by saying a few words upon the charge which had been made against the Lord Chancellor in respect of the delay of his decisions. The evidence to which he wished more particularly to call the attention of the house was that of a gentleman whom he had not the honour to know personally, but who possessed a very high character for talent (Mr. Basil Montagu), an unprejudiced witness, who said, "There are delays in the judgments which the Lord Chancellor is called upon to give. I cannot deny it, but I impute them to three distinct circumstances. The first is, that the Lord Chancellor takes a different view from that taken by his predecessors of his duties as a judge; for he feels himself called upon to decide, not only on



the law, but on the controverted facts of the case. Other judges had referred the decision on controverted facts to a master or to a jury; but the Lord Chancellor makes up his mind to the facts as well as to the law in all cases of bankruptcy." Would any man therefore condemn the Lord Chancellor because he felt it to be his duty to make up his mind upon controverted facts, and because he took some time in doing so, with a view to save the suitors of his court the expenses of further litigation? or because he paused from an ultra anxiety to decide justly. If the delay imputed to his lordship arose from his indulgence in pleasure or in frivolous amusements, he should be one of the first to condemn it; but when he saw a man devoting twelve out of twenty-four hours, without remission, to the public business, and allowing himself no longer a vacation than three weeks out of 52, he would pass over with a light hand the venial fault of him who decided slowly, from the peculiar constitution of his mind, and his ultra anxiety to decide justly (hear, hear). Mr. Basil Montagu further went on to say—"These two circumstances have occurred within my knowledge. In the case of Blackburne, which I argued two or three times, I certainly never was more satisfied in my life with my own argument than I was then. I mentioned it again and again to the Court, but I could not obtain judgment. At last the Lord Chancellor stated that he had been deliberating upon the case for many hours during the night, and that there was one point which had escaped me in my argument, to which he wished to direct my attention, and he was pleased to direct my attention to it, and to desire it to be re-argued; and upon re-arguing it, I was satisfied that he was right, and I was wrong; and whatever may have been the cause of the delay, the consequence has been that he has prevented the injustice which I should have persuaded him to have committed (hear, hear). Not only in that case was there an advantage to public justice from the delay which took place, but there would have been, had the Lord Chancellor come to a hasty decision on the case, a false light set up to mislead other judges to erroneous decisions in future" (hear, hear). Mr. Basil Montagu then proceeds—"I beg also to mention another case (*ex parte Leigh*), which will be found in 'Glyn and Jameson,' 264,—the case of a habeas corpus; where, to my knowledge, the prisoner was detained illegally, upon an affidavit upon detainers for debt by a Mr. Claughton, for 10,000l. The Court of King's Bench refused to discharge him. I presented a petition to the Chancellor on behalf of the bankrupt, being convinced that the decision of the Court of King's Bench was erroneous; and, it being in the case of liberty of the prisoner, the Chancellor heard it immediately, and took the trouble of applying to the Chief Justice of the Court of King's Bench; and, after deliberation, thought it his duty to reverse the judgment, and to order him to be discharged; and, but for this care and deliberation, I am satisfied he would have been in prison at this moment, as I know the hostility between these parties is continuing to this very day." Now if one counsel could state such facts as these as occurring within his own knowledge, he thought that if other counsel would be equally explicit, it would be proved beyond all dispute, that the delay of which the Lord Chancellor was accused could not produce much danger to the

interests of public justice. The noble lord had been blamed for not having made the reforms in his court which were now recommended; but absorbed as he was in the various duties of his office, he had not the leisure to consider such reforms with the necessary deliberation. The presence of the Lord Chancellor before the commission on all occasions where his presence was necessary; and his absence on all occasions where his presence was likely to exercise any control over the witnesses, were facts which must tell to his immortal honour. It was no more than an act of justice to vindicate the ability and industry with which the Lord Chancellor, now seventy-six years of age, performed the duties of his office, who though he might be accused of delay, had not had his motives impeached by a single voice in that house (hear, hear).

Dr. Lushington:—Any gentleman who considered the complexity of the subject which had been referred to the commissioners, could never have expected that they should be unanimous in their support of 180 propositions, proposing great and important changes in a system which had now been pursued for more than 150 years. It was more extraordinary that so many of them could conscientiously put their seal to such a report as they had presented, than that some of them should have differed from their colleagues on its details. Against this report it had been urged, that though the reforms which it recommended were beneficial, still they were ineffectual towards removing the delay so much complained of in the Court of Chancery. It was likewise objected to the commissioners, that they had not dared to inquire whether any and what delay took place between the setting down of the cause and the hearing, and then between the hearing and the judgment of the Chancellor. Those points came within the direct terms of the commission, and if the commissioners had shrunk from their investigation, they would have left unexamined the most important points on which they were directed to inquire. But of the mass of evidence taken by the commissioners, part was still unprinted, and that part would have proved beyond all dispute that they had investigated this matter. The reason why it was not printed was, that it was given at the latter part of the inquiry, and consisted principally of documents.—There was the cause paper of the Lord Chancellor and the Vice Chancellor—the motions set down for hearing,—the account of business in bankruptcy and lunacy cases,—and also the manner in which his lordship had expended every day in court during the last three years,—together with a special account of the business set down and left undone each day, and the reasons of its postponement. Besides these documents, any person who read the evidence would see that every witness was asked what was the cause of the delay, and also the best remedies for it? He was aware that some of them had felt great reluctance to answer that question; but he contended, that the commissioners could not have gone further, unless they had purposely sought for matter to criminate the Lord Chancellor. He did but discharge a debt of justice to that individual, when he said, that from the beginning to the end of the investigation, he had given the most material assistance to the commissioners. He did not deliver his opinions to them dogmatically, but allowed those who doubted of their



correctness, to investigate them thoroughly, affording them every explanation which they required, and that, too, in a manner which left on his (Dr. Lushington's) mind a most favourable impression with regard to the learning, intelligence, and integrity of that noble lord (cheers). So far from ever seeking to check inquiry, he had done every thing to promote and forward it (hear, hear). Whatever opinion might be entertained as to the delay regarding appeals, he was bound to say that there were other cases in which it was impossible to deny that great delay existed. Some cases which appeared to be almost entirely laid by, had been productive of injury to the suitors, which every feeling mind must deplore. Whether that delay had arisen from the Lord Chancellor finding difficulties in the cases, which rendered him averse to consider them, or whether it had arisen from the too great pressure of his other avocations, or from any other cause, it was to be lamented and ought to be remedied (hear, hear). He confessed that he was not one of those who entertained sanguine hopes that the business of the Court of Chancery would be much facilitated by the alterations now proposed, but he was satisfied that in recommending the adoption of them, the commissioners had done all that was consistent with prudence, in the first instance. It would be wiser to try the effect of these proceedings, and if they were not effectual, then to adopt bolder remedies, than to sweep down at once a system which had lasted for ages, and of the annihilation of which no man could calculate the consequences (hear, hear). As to the dividing the business of bankruptcies from that of Chancery, there was scarcely a witness whom they had examined that did not consider such a proceeding as extremely inadvisable. The commissioners would, therefore, have been very bold if they had ventured to recommend such a proceeding against the experience of all their witnesses, and even against the opinion of many of their own body. It appeared to him, however, that of all the systems connected with the Court of Chancery, that of bankruptcy was the very worst, from the infinite delay in justice, and the ruin which it occasioned to the suitors. When he saw that there were no less than 70 commissioners of bankrupts, costing at least 20,000*l.* annually, many of them notoriously incompetent for the duties of their office,—when he recollected that they met only for one, two, or at the outside three hours at a time, for the dispatch of several commissions; when he saw their opinions and their actions conflicting daily, he had almost said hourly, with each other; when he saw that one list had committed ten times as many individuals as all the others put together;—when he considered all these facts, and reflected that bankruptcy formed the great source of the Lord Chancellor's patronage, he thought that it would have been the pride of the report if it had recommended the alteration of such a system. But if the Lord Chancellor were to select ten out of those 70 commissioners as a court to decide on bankruptcy, and from them there was to be an appeal to the Vice-Chancellor, and from him again to the Lord Chancellor, nothing could follow but increased delay, expense, and confusion. It was to be lamented that subjects connected with the jurisprudence of the country were not sufficiently attended to by the house. Instead of remedying the defects which had

been occasioned by time, hon. gents. had covered the table of the house with statutes till it was impossible to find any individual who on any important point could say what was or what was not the law. As to conveyancing, no country gentleman could guess the tax (until his solicitor's bill was brought in) which the present system imposed upon him (hear, and a laugh). It never could be right that the abstract of a man's title should take up 800 brief sheets, as appeared from the report to have been the case in one instance. Of a large estate which he (Dr. Lushington) held as a trustee, and which was valued at 800,000*l.*, many small plots were to be sold; and would the house believe it when he told them, that the abstract to the title of those small plots filled 400 large brief sheets (hear, hear)? Such a system inevitably led to injury and confusion. He therefore called upon the house to devise a remedy for an evil which had increased, was increasing, and which he believed every body would admit ought to be diminished (hear, hear).

Mr. Brougham felt that if he were to permit the two last speeches to go forth to the country without comment, he should be rendering himself accessory to the error and delusion which they were, from their contents, so well calculated to create. He wished, in the course of his remarks, to avoid any personal reflections upon the noble lord who was at the head of the Court of Chancery, and to preserve that tone of debate which applied to the subject more than to the individual. Now, he must say, that it did appear to him, until he had heard the speech of his learned friend near him, that there was—he would not say a slumbering on the part of the commissioners, any more than he would say that there had been a slumbering at his post on the part of the Lord Chancellor for the last 25 years—but an omission of the most material importance in the labours of the commission, as they were stated in the large report which had been laid upon the table of the house. That omission principally consisted of a want of inquiry into the causes of delay between the final hearing of a cause, and the decision by the Lord Chancellor. Having found in no part of the report any allusion to such inquiry,—having perceived here and there some allusion to facts connected with it,—having seen in the answers much matter that naturally suggested further examination,—having observed points volunteered by some of the witnesses on which they courted examination, and on which no examination was instituted,—it did appear to him, he must own, that that head of inquiry had been purposely omitted by them all. But his learned friend now came forward to inform them, that there was part of the evidence on this portion of the inquiry of the commissioners still unprinted. It was impossible to have anticipated such a fact from the report itself, as there was no opinion in the report purporting to be founded on such evidence. He had looked in vain for any allusion to such evidence, both in the report, in the 180 propositions annexed to it, and in “the labours” of Mr. Beames, as they were styled, upon those propositions. He had inquired of others whether they had discovered any such allusion, and he was informed that there was not the slightest allusion, either by hint or reference, to that great integral branch of this most important subject. That there was an expense and abuse arising from the delays of the Court of



Chancery, was not to be denied at this time of day. The country wished to be informed whether it was owing to the system of the court; if so, to which of its branches,—and then, how it was to be remedied. In plain, honest English, people wished to know whether the delay so long complained of, but so lately admitted to exist, was an inevitable consequence of the system, or was owing in any part, and in what, to the learned individual now at the head of it (hear, hear). It was stated as matter of great praise to the Lord Chancellor, that he had not impeded, but forwarded the labours of the commission. Nobody on his side of the house had ever expected that a man of the Lord Chancellor's knowledge and experience would act so clumsily as to interpose obstacles directly to the investigations of the commission. What his learned friends about him had said was this,—that even if the Lord Chancellor had been a more repulsive and less fascinating man than he now was, his presence in that commission would have been dangerous to its complete success, and that he was more likely to impede its operations, silently and not actively, but still effectually, by promoting than by openly thwarting its progress. That was the objection which he had originally felt and stated to the formation of this commission; and he looked in vain to the report for any thing calculated to remove the impression which he had originally entertained. He had expected that much learning would be displayed, and great inquiry made, with regard to the original constitution of the Court of Chancery; but he did not expect that any inquiry would be made into the cause of the delay which unfortunately distinguished all its proceedings. Much had been said in the course of the discussion of the opinion which Mr. Basil Montagu had given of the causes which led to this delay, on the part of the Lord Chancellor, in giving his decisions; and great stress had been laid upon that opinion, because it was said to come from an individual who was notoriously opposed to his lordship in politics. Now, with all deference to Mr. Basil Montagu, he must take the liberty of saying that he did not know what his politics were, and that, whatever they were, they had little to do with this Chancery report. He must, however, complain of the ingenuity with which the *rt. hon. sec.* (Peel) had mixed Sir S. Romilly and Mr. B. Montagu together. He had so managed his expressions as to render them well calculated to inculcate a belief that the opinion of Sir S. Romilly on the character of the Lord Chancellor coincided with that of Mr. B. Montagu. Now he begged to state, from his own personal knowledge of that great and illustrious character, that he entertained an opinion directly the reverse of that entertained by Mr. Montagu. Other individuals entertained similar opinions; nor would there have been any difficulty in extracting such opinions from the witnesses examined, had not the commissioners intentionally shrunk from the task of extracting them. He would give one proof of it out of many which were contained in the report. In fol. 95 of the evidence attached to the report:—“Q. After a cause has been heard, is there, generally speaking, much delay in obtaining a decision?—A. That depends upon the different judges before whom it is heard. Q. Supposing the cause to be heard before the Lord Chancellor, is there much and what time elapses before obtaining a decision?—A. Cer-

tainly; frequently months, sometimes years; and I have heard of many cases in which the parties have not been able to obtain any decision at all.” What did the house think was the next question?—“Is not the Chancellor much occupied in hearing appeals?”—a question evidently asked to afford an excuse for the Lord Chancellor, and to turn aside the examination from the course which it then seemed naturally to take. One learned gentleman was asked whether he conceived that the court, with its present powers, was capable of performing the duties imposed upon it, and had replied that three angels could not get through the business. He had likewise added, that the business in the court had not been transacted with sufficient dispatch. Why had he not been asked his reasons for this assertion? Another learned gentleman had stated, that he did not think that more time could well be devoted to the actual sittings of the court than was devoted at present. He had said, and said rightly, that the most active and vigorous attention was required by the judge; and he conceived that six hours a-day, as from ten till four, regularly employed in court with the mind on the stretch, was as much as any judge could bear without exhaustion. Was it not right to inquire why the next question was not put to this learned gentleman—“Does the Lord Chancellor sit six hours in each day in his court?” If the answer had been in the affirmative, then there would have been strong evidence to throw the blame of the delay on the system, and to avert it from the individual at the head of it. If any gentleman would now get up and state that his lordship regularly sat six hours a-day, that would enable the world to determine whether any, and what additional assistance was requisite. Until some gentleman would make such statement, he would prefer the experiment of trying to get through the business of the court by means of judges, instead of the angels which Mr. Shadwell recommended. It was said that there were now *only* 109 appeals in arrears, and that this number was not increasing. *Only* 109! Surely that declaration did not exhibit a very splendid, or, to suitors, a very pleasing exhibition of the dispatch of the Court of Chancery. To prevent the accumulation of such arrears in future, which it was admitted could not be disposed of in less than two years, he would separate the judicial from the political character of the Lord Chancellor. It was in vain to deny that it was his political distractions of which his court had principally reason to complain. There was also in the Lord Chancellor a certain doubting disposition, of which he could not easily divest himself,—an infirmity of temper which led him to over-much subtlety, and disceptation, which made him, as it were, by traps for that sound judgment which in general distinguished him. He contended, however, that with all this tendency to doubt, his lordship was not long in making up his mind on any question—he was only long in making up his mind to pronounce the opinion which he had deliberately formed. He possessed a mind which was gifted by nature with great strength, and which was furnished by long experience with as much learning as ever enlightened a court of law. It would, therefore, be very extraordinary if he did not see through most questions at the first glance. It was the opinion of Sir S. Romilly, that his lordship made up his mind quickly on every judicial question,



and that he was only slow when he had to make his opinion known (hear). That, however, was not a benefit, but a misfortune to the suitors. He (Mr. B.) had spoken thus freely what he thought of that noble lord; and he felt less scruple or hesitation in saying it, as in doing so he had said little more than what he had heard the noble lord admit himself. It was not, perhaps, so much a matter of blame as it was of excuse to the noble lord, that he had too much to do; that he was obliged, by his political duty, to be in one place, when his judicial duty required of him to be in another—that he was now there when he ought to be here—that he was one day obliged to attend the presenting of the Recorder's report, and on another day to attend the Cabinet Council. Again, he was engaged in hearing appeals before the House of Lords; and these, with a variety of other occupations, allowed him little or no time to attend to the efficient discharge of his judicial duties in the court over which he presided. Amongst other disadvantages of these various avocations, to which his lordship was subjected, the suitors had to experience this material and important one—that the Lord Chancellor could not attend continuously, at any one time, to hear the whole of a case, so as to be able to take a full view of it, and to decide at the moment that all the arguments on both sides were fresh upon his mind: but, by being now called off here, and again called off there, he was only able to collect the case as it were by piecemeal, and to decide (when he did decide) upon it after that disjointed and disconnected hearing of it. These various distractions realized the observation which was so familiar in the house about ten years ago, in discussions on this question, that on account of the political and judicial functions of the Lord Chancellor interfering with each other, "the judicial year was diminished, not by minutes or hours only, but by days, and weeks, and months" (hear, hear). So it was now, and would continue to be, until the judicial was separated from the political character of the Lord Chancellor.—The learned gent. proceeded to advert to the opposition which was always given, if not by the Lord Chancellor himself, at least by his friends, to any measure of reform in the (now at length) admitted abuses of his court. On one occasion a committee was appointed, and was so constituted (though a majority of his friends was to be found in it), yet it was so constituted as to promise some prospect of effectual reform. Its proceedings went on smoothly for two or three days; but at length some delicate point was started, and down poured his lordship's friends and allies—principally Masters in Chancery—some of them Masters in existence, or Masters *in esse*, and others Masters in expectation, or Masters *in posse* (hear, and much laughter); and the consequence was, the inquiry was stifled. In 1810, 1811, 1813, 1821, and 1822, exertions had been made to procure a committee without effect; and, during the whole of that period, the Lord Chancellor himself had made no single exertion, not one effort—no, not so much as to the moving of the little finger of his left hand to procure the remedy of one evil—the correction of any, even the smallest, abuse, that under his own eye, and with his own knowledge, existed in his court. It had been said that Lord Somers, and the great men who preceded Lord Eldon, had not been required to make those alterations and corrections which were now so loudly called

for in the practice of the court. But, in the first place, neither Lord Somers, nor any other Lord Chancellor, had, like Lord Eldon, the experience of twenty-five years as judge of that court, and twenty-five years more as a practitioner in it. Secondly, the grievance was never in former years represented to be so great a grievance as it was now and had been of late years. Thirdly, such abuses had never been known to exist without any control whatsoever to check or restrain them. Fourthly, with the admission of these abuses, there never had been displayed such an opposition to every motion, plan, and measure, proposed to remedy them, as had been displayed during the last sixteen years in this house: and, lastly, and most of all, there had been no former instance of such injury being entailed upon the suitors of the Court of Chancery by the union of the judicial and political character of the Lord Chancellor, and without the separation of which, it was idle to expect any effectual reform in the abuses of the Court of Chancery—abuses more flagrant and enormous than those by which the people of any country had been aggrieved by a tribunal instituted for the purpose of administering equity and justice (loud cheers).

Mr. Robert Smith said, that the commission was not authorized to enquire into the conduct of the Lord Chancellor; and he should have esteemed an inquiry on ex-parte statements most unconstitutional. He thought that the inquiry had been perhaps kept by the terms of the commission within closer bounds than might have been desirable, but had no doubt that the report would be productive of material benefit.

Mr. Denman thought that inquiry into the conduct of the Lord Chancellor was the most important duty of the commission; and that if, as had been alleged, the delays of the court originated with him, it ought to have been specified in the report.

Mr. Tindal defended the report, and augured much advantage from the measure before the house.

Mr. Abercrombie thought that it would have the effect of considerably increasing the appeals.

Leave was given to bring in the bill.

### *Criminal Law:—Criminal Justice, and Larceny Laws Bills.*

THURSDAY, MARCH 9.—Mr. Peel, in moving for leave to bring in these bills, spoke to the following effect:—"I hope, sir, that the house is prepared to give me its attention, whilst I explain the object of those measures connected with the criminal law which I am about to submit to its consideration. To many, I fear, this subject may appear barren and uninviting. It can borrow no excitement from political feelings, nor can it awaken the hopes or fears of conflicting parties; but it involves higher interests, it concerns the security of property—the prevention of crime—the moral habits of the people—and it prefers, therefore, a just and imperative demand on the serious attention of parliament. I claim that attention on another ground. Of all the subjects which fall within the range of our deliberations, none perhaps has been more neglected than the criminal law. *Inter arma silent leges*, is a trite remark applied to periods of civil dissension. I fear that it might with



equal justice be said that amidst the excitement of party conflicts, the true principles which should regulate the criminal jurisprudence of the country have been too frequently disregarded. I conjure the house, therefore, by these high considerations, by the paramount importance of the subject, and by the reparation which is due for past neglect, now to entertain with favour and attention, a proposal for the simplification and amendment of some important branches of the law.—The two measures which I mean to submit to the house, are a bill for the consolidation of the statute law of England relating to the crime of theft; and a bill to improve the administration of justice in some particulars, which I will hereafter specify. And first, with respect to the bill for the consolidation of the law relating to theft, I presume that I shall not have to combat at the outset any objections to the principle of an attempt to consolidate and simplify the criminal law. It appears so conformable to the dictates of common sense, that the law, of which all men are supposed to have cognizance—and which all are bound under heavy penalties to obey, should be as precise and intelligible as it can be made—that it is almost needless to fortify by reasoning or authority, the first impressions of the understanding. If authority were required, I could cite some of the most illustrious names that have adorned the civil and judicial annals of this country, the names of lawyers and of statesmen, who have either expressed a decided opinion in favour of the attempt to simplify the law, or who have been actually engaged in the undertaking. To one of these, the first in point of antiquity, as the first in weight and esteem, I will refer, and thus preclude the necessity of summoning other less important testimony. The Lord Chancellor Bacon submitted to King James I. a proposal for amending the laws of England. In that treatise, short as it is, is comprised every argument that can be cited in favour of the measure of which I am speaking—every objection is foreseen, and satisfactorily confuted. The lapse of two hundred and fifty years has increased the necessity of the measure which Lord Bacon then proposed, but it has produced no argument in favour of the principle, no objection adverse to it, which, to use the words of Cowley applied to Bacon himself, ‘from the mountain top of his exalted wit,’ he did not anticipate. The house will allow me to substitute for my own imperfect expressions the emphatic terms in which Lord Bacon has recorded the suggestions of a mighty intellect. In addressing his sovereign, he says that his object is not to tax the laws; ‘I speak,’ says he, ‘only by way of perfecting them, which is easiest in the best things: for that which is far amiss hardly receiveth amendment, but that which hath already, to that more may be given. Besides, what I shall propound, is not to the matter of the laws, but to the manner of their registry, expression, and tradition: so that it giveth them rather new light than any new nature.’—He proceeds to state that for the safety and convenience of the proposal which he makes, ‘it is good to consider and answer those objections or scruples which may arise or be made against this work.’ Objection the first, ‘that it is a thing needless; and that the law as it now is, is in a good estate comparable to any foreign law: and that it is not possible for the wit of man in respect of the frailty thereof, to provide against the uncer-

tainties and evasions or omissions of law.’ The following is the answer of Lord Bacon: ‘For the comparison with foreign laws, it is in vain to speak of it, for men will never agree about it. Our lawyers will maintain for our municipal laws—civilians, scholars, travellers will be of the other opinion.’—But, sir, I must interrupt my reference to Lord Bacon by remarking that the lapse of years has supplied us with an answer to the first part of this objection which Lord Bacon had not to urge. Foreign nations have condensed and simplified their laws, and have disintegrated us to vindicate the confusion or uncertainty of our own statutes, by the boast (weak and fruitless as an argument, if it were well founded) that those statutes are less confused and less uncertain than the ordinances of other states. ‘Certain it is,’ says Lord Bacon, ‘that our laws as they now stand are subject to great uncertainties, and variety of opinion, delays, and evasion.’—‘Mark,’ he observes, ‘whether the doubts that arise are only in cases not in ordinary experience, or in cases which happen every day. If in the first only, impute it to the frailty of man’s foresight, that cannot reach by law to all cases; but if in the latter, be assured there is a fault in the law. There is an inconvenience of penal laws obsolete and out of use: for that it brings a gangrene, neglect, and habit of disobedience upon other wholesome laws that are fit to be continued in practice and execution: so that our laws endure the torment of *Mazentius*.—The living die in the arms of the dead.’—The second objection foreseen by Lord Bacon is this:—‘That it is a great innovation, and innovations are dangerous beyond foresight.’ He replies, ‘All purgings and medicines, either in the civil or natural body, are innovations, so is that argument a common-place against all noble reformations. But the truth is, that this work ought not to be termed or held for an innovation in the suspected sense. Besides it is on the favourable part, it easeth—it preserveth—not—and lastly it is rather a matter of order and explanation than of alteration.’—Another objection stated by Lord Bacon, and that which is perhaps most frequently urged at present, is this:—‘That it will turn the judges, counsellors of law, and students of law, in school again, and make them to seek what they shall hold and advise for law—and it will impose a new charge upon all lawyers, to furnish themselves with new books of law.’ The reply is:—‘For the former of these—touching the new labour, it is true it would follow, if the law (the common law) were new moulded into a text law, for then men must be new to begin, and that is one of the reasons for which I disavow that course. But in the way that I now propound, the entire body and substance of law shall remain, only discharged of idle and unprofitable or hurtful matter, and illustrated by order and other helps towards the better understanding of it and judgment thereupon. For the latter—touching the new charge of books, it is not worthy the sprinkling of a matter of so high importance—it might have been used of the new translation of the Bible and other like works.’ Lord Bacon adds the brief sentence, pregnant with a truth too often disregarded—a truth of everlasting and universal application:—‘Books should follow sciences, and not sciences books.’ Having urged these reasons for the simplification of the statute law, he lays down the principles upon which it should be conducted. ‘For the reforming and



recompiling of the Statute Law, it consisteth of four parts.' The first, 'To discharge the books of those statutes, where the case by alteration of time is vanished; as Lombards, Jews, Gauls' halfpence, &c. Those may nevertheless remain in the libraries of antiquities, but no reprinting of them; the like of statutes long since expired and clearly repealed. The next is, to repeal all statutes which are sleeping and not of use, but yet snaring and in force; in some of these it will perhaps be requisite to substitute some more reasonable law, instead of them, agreeable to the time; in others a simple repeal may suffice. The third, that the grievousness of the penalty in many statutes may be mitigated, though the ordinance stands. The last is, the reducing of concurrent statutes heaped one upon another, to one clear and uniform law.' Such, Mr. Speaker, are the reasons upon which I have undertaken the measure I shall propose, and such the principles by which I have guided myself in the preparation of it. May I not add, in the concluding words of Lord Bacon, 'this is the best way to accomplish this excellent work; of honour to your Majesty's times, and of good to all times.' If, sir, there be any to whom the authority of Lord Bacon may appear of too remote an antiquity, or who may consider his views too philosophic and abstract, I will for their satisfaction produce another authority more recent, and more practical—the authority of a committee of the House of Commons. In the year 1796, a committee was appointed to inspect and consider all the temporary laws then about to expire. The chairman of that committee was the present Lord Colchester, and to him we are indebted on this, as on many other subjects, for one of the ablest reports that can be found on the journals of the House of Commons. That report observes, 'That a general revision of the statute law appears to have been often recommended from the throne—to have been petitioned for by both Houses of Parliament—to have engaged the labours of successive committees, and to have been undertaken by individuals under the sanction of royal and parliamentary authority, but never to have been carried forward to any degree of maturity. After the Restoration, Finch, Solicitor-General (afterwards Lord Nottingham and Lord Chancellor), Serjeant Maynard, Mr. Robert Atkyns, Mr. Prynne, and others, were appointed in 1666, to be a committee, 'to consider of repealing such statute laws as they shall find necessary to be repealed, and of reducing all statute laws of one nature, under such a method and head as may conduce to the more ready understanding and execution of such laws'. This seems to be the last recorded instance of this sort. And thus it is,' says the report, 'that parliament has hitherto failed to accomplish this general revision; and has now suffered it to sleep for more than a century, although the delay of it has annually augmented its necessity'. Now, sir, what I propose is, to break this sleep of a century; of more than a century indeed, for thirty years have passed away since the report of 1796, and each successive year has added its own heavy incumbrances to the statute-book. I shall, sir, with the leave of the house, present a bill uniting into one statute all the enactments that exist, and are fit to be retained, relating to the crime of theft, and to offences immediately connected with theft; such, for instance, as the 88th, 1826.

ceiving of stolen property. I select the laws relating to theft in the first instance, because I consider the crime of theft to constitute the most important class of crime. There are acts, no doubt, of much greater malignity—of a much more atrocious character than the simple act of robbery; but looking to the committals and convictions for crime, it will at once be seen, that those for theft so far exceed the committals and convictions for any other species of offence, that there can be no question of its paramount importance in the catalogue of offences against society, and that, if the laws relating to this class of offence can be simplified and united into one statute, we shall have made a most material advance towards the revision of our criminal statute law.—By a reference to the criminal returns for England and Wales it will be found that in the last year, the year 1825, 14,437 persons were charged with various crimes; of this number not less than 12,500 persons, amounting to six-sevenths of the whole number, were charged with the crime of theft. There were charged with burglary, 428; cattle-stealing, 42; horse-stealing, 229; stealing in a dwelling-house to the value of forty shillings, 265; from the person, 835; robbery on the person on the highway and other places, 189; sheep-stealing, 166; simple larceny, 10,087. If any other offence be taken it will be seen that the numbers charged with that offence bear a very trifling proportion to the numbers charged with theft. In 1825, the same year in which 12,500 persons were charged with theft, were committed for the crime of arson, 22; for murder, 94; for manslaughter, 122. If a longer period be taken, the result will be nearly the same. In the last seven years there have been convictions for forgery, 331; for murder, 121; for perjury, 43; for arson, 50; while, for simple larceny alone, there have been in the same period not less than 43,000 convictions. I need say no more to demonstrate the immense importance of the crime of theft, considered as a class of crime, and to shew the necessity of establishing, with regard to it, as clear and intelligible a law as it is possible to establish. The number of the statutes at present in force relating to this offence amounts to about ninety-two—they include a period of time extending from the reign of Henry III., from the statute called the *Charta Foresta*, passed in the ninth year of that king's reign, to the last year of all, the sixth of his present Majesty. The number of these laws, the remote and various periods at which they have passed, will probably create an apprehension that the attempt to simplify their language, to classify their provisions, and to condense them into one statute, is a hopeless undertaking. But, sir, I hold in my hand the visible proof that the undertaking is not hopeless. Here is the draft of a bill which has been printed for the purpose of facilitating the consideration of its details previously to its introduction, and in the short compass of thirty pages, without making any rash experiment to curtail the phraseology of the existing laws, without the omission, I believe, of a single clause, which it is fitting to retain, are included all the provisions of the statute law relating to the offence of larceny. This reduction of the bulk of the law has been effected by selecting, in some instances, from an heterogeneous mass of legislation heaped together in one statute, upon matters perfectly unconnected and dissimilar, those enactments that



relate to the protection of property from theft, and in other instances by extracting from various statutes which have been passed in particular cases, the principle upon which each was founded, substituting in lieu of various scattered enactments, giving protection to individual articles of property, one general enactment, affording protection to the class of property to which those individual articles belong. It is clear that criminal legislation has been heretofore left to the desultory and unconcerted speculations of every man who had a fancy to legislate. If an offence were committed in some corner of the land, a law sprang up to prevent the repetition, not of the species of crime to which it belonged, but of the single and specific act of which there had been reason to complain. The new enactment too was frequently stuck into the middle of a statute passed probably at the latter end of a session; to the compounding of which, every man who saw or imagined a defect in the pre-existing law, was allowed to contribute. To give an instance or two of legislation of this kind: some member has been injured, or he has a constituent who has been injured by the stealing of madder roots, and a provision is forthwith made for the special protection for the future of madder roots, not by a single statute, but by including the enactments directed against the stealer of madder roots, in a law of which the following is the comprehensive title. "An act to continue several laws therein mentioned for granting liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies in America, from the said colonies directly into foreign ports, in ships built in Great Britain, and navigated according to law; for the preventing the committing of frauds by bankrupts; for giving further encouragement for the importation of naval stores from the British colonies in America; and for preventing frauds and abuses in the admeasurement of coals in the city and liberty of Westminster; and for preventing the stealing or destroying of madder roots." I will mention another instance of the same kind. There are not less than twenty statutes relating to the preservation of trees from theft or wilful injury, some properly confined to trees alone, others relating to matters so utterly unconnected with the protection of timber, or with the crime of theft, that I shall be almost suspected of fabricating the title of a bill for the purpose of my argument. It seems to have been discovered about fifty or sixty years since that the various laws which had previously passed with respect to timber, did not afford sufficient protection to hollies, thorns, and quicksets, and to save the trouble of amending the former laws—these neglected shrubs were provided for in an act, which, in taking charge of them, took charge also of the other matters referred to in the following title. "An act for the better securing the duties of customs upon certain goods removed from the outports and other places to London; for regulating the fees of his Majesty's customs in the province of Senegambia in Africa; for allowing to the Receiver General of the duties on offices and employments in Scotland a proper compensation; for the better preservation of hollies, thorns, and quicksets in forests, chases, and private grounds, and of trees and underwoods in forests and chases; and for authorizing the exportation of a limited quantity of an inferior sort of barley, called bigg, from

the port of Kirkwall, in the island of Orkney." Now, sir, what I propose is not to lessen the security which the law gives to the owner of madder roots, not to throw open the holly or thorn to wanton depredation, but merely to transplant them to a more congenial soil than the province of Senegambia. The laws relating to trees are fruitful in instances of hasty and slovenly legislation. For instance, there passed in the 6 Geo. III., two statutes for the protection of certain trees and vegetable productions in gardens, the 36th and 48th chapters, which must have passed almost concurrently. Neither of them refer to the host of antecedent statutes, and the author of chap. 48 must have been apprized of the labours of him who had introduced and probably was superintending at the time the progress of chap. 36; for offences which by that act are made a felony, are by chap. 48 punishable only with a fine of 20*l*. Had the latter statute passed in a succeeding session of parliament, it would have amounted to a virtual repeal of the preceding act. There are no less than three separate acts of parliament extending the provisions of chap. 48 to particular species of trees.—I will proceed to explain the material points in which I propose either to simplify and consolidate the law, or in which I propose to remedy, what appear to be glaring defects in the law; for my undertaking is not limited merely to the condensation of the statutes. Where I find any omission through which notorious guilt escapes, I propose to supply it—where I find a just principle at present only partially applied, I propose to extend it to all the cases which it ought to include. I trust the house will bear with me in this reference to details, because details are here of the utmost importance. There are on the statute book, twelve statutes relating to the offence of stolen goods. They are numerous, because they are founded not upon any definite principle, but because they refer to individual articles of property. One statute punishes the receiver of stolen lead, iron, copper, brass and bell metal. Then follows a statute to punish the receiver of stolen pewter. Another refers to jewels, plate, and watches. Then comes the general act as to all goods and chattels—but even this was not considered general enough to apply to bank notes and negotiable securities, and therefore an act was passed in the present reign for their special protection. Now, I shall expunge from the statute book all these special provisions, and substitute in lieu of this legislation directed to particulars, one simple and general enactment, founded on this plain principle, that he who receives, knowing it to have been stolen, any thing whatever the stealing of which amounts by law to a felony, shall himself be deemed guilty of felony. Surely this is the enactment which common sense suggests as the fit enactment against the wilful receiver of stolen property, whether that property be lead or pewter, jewels or bank notes. The example to which I have last referred will sufficiently explain the mode in which I have attempted to proceed in simplifying and compressing the law in all other cases of a similar nature. I come now to a subject of at least equal importance. The supplying of those omissions in the law which ensure the impunity of guilt. Of those omissions I will give some examples. Under the law as it stands at present, it has been decided that it is not an offence, at least not an offence



in the eye of the law, to rob a ready-furnished house, notwithstanding that it is a very serious offence to rob a ready-furnished lodging. It is upon record, that after the conviction of a man who robbed of some articles of plate the house which he had hired, the sentence was respited upon a doubt whether the case were within the statute which uses the word lodging and not lodging-house. It was agreed by all the judges that the case was not within the statute, and Chief Baron McDonald ordered the prisoner to be discharged, saying, "I am sorry the laws of England have not provided for your case, for I have no doubt whatever of your guilt." Again, the statute which makes it an offence to steal or destroy fish in streams, expressly refers to such streams as pass in or through an estate. If therefore the stream, as is frequently the case, neither passes in nor through an estate, but passes between two estates, being the boundary to each, the owner of the fish forfeits his protection under the statute. Can any man doubt that these are examples of imperfection and omission in the law, which can and ought to be supplied? Can any man doubt that it is expedient to extend, as I propose to extend, the protection which the law at present gives to securities for property in the British funds, to securities for property in the funds of foreign states, and to mercantile instruments of all kinds, entitling the holder to payment of money abroad? Is it fitting that these securities and instruments should be liable to be stolen with impunity? Is it fitting that the stealing of a handkerchief should subject to transportation, and that the stealing of title-deeds, that the stealing of a will on which the property and existence of whole families may depend, should remain altogether exempt from penalty? The law with respect to a very frequent and very aggravated offence, the embezzlement by servants of their master's property, is at present very defective. Among the principal defects are these: It is necessary to state in the indictment, and to prove in evidence the embezzlement of specific monies, not merely of the sum in the gross of which the master may have been defrauded, but of the particular coin or notes of which that sum consisted, which may have entirely escaped the recollection of the master. Again, if the servant has defrauded his master by the means of receiving change, he cannot be convicted at all. Supposing, for instance, the servant having ten shillings to receive for his master, gives ten shillings to the party from whom the money is due, and receives a one-pound note, which he embezzles, he commits no offence against the law. He cannot be convicted of embezzling the note, for that was not the property of his master, nor can he be convicted of embezzling shillings, for he has received none. The main defect in the law is this: the offence is at present a felony; now by the rules of law each act of embezzlement is considered a distinct felony, and only one distinct felony is admitted to be proved upon an indictment for felony. The prosecution therefore often fails from the impossibility of laying the whole case, the whole tissue of fraud before the jury. The proof being confined to a single act of embezzlement, the jury leans not unreasonably to mercy, and frequently chooses to presume that the single act of embezzlement may have arisen from mistake, rather than to convict for the felony. I propose to remedy these defects;

to admit proof that various sums have been received and misapplied by a prisoner, without requiring proof as to the specific coin or bills of which those sums consisted. I propose to alter the legal designation and character of the crime of embezzlement, to make it a misdemeanour, instead of a felony, and thus to admit the proof of that which may be absolutely necessary to enable the jury to determine the real extent of the prisoner's guilt, namely, of the whole series of embezzlement, in which he may have been engaged. In the course of the observations which I have made, several cases have been mentioned in which I propose to subject to penalties, acts which at present may be committed with impunity. But I beg to observe, first, that these acts are in every instance acts of great moral guilt, which only escape at present through the imperfection of the law; and secondly, that the new penalties which I affix, amount in no case whatever to death; I constitute no new capital felony. I propose to extend the grasp of the law, but in no instance do I increase; in some I mitigate its severity. I will mention two important examples of the abatement of penalty. The law which makes it an offence punishable with death to steal in a dwelling-house to the amount of forty shillings, extends at present to all out-houses within the curtilage, as it is called. It is intended to except for the future from the operation of this law, so far as regards capital punishment, the stealing in all out-houses which are not connected with the dwelling-house by some internal communication. Another case in which it is proposed to reduce the penalties of the law, arises out of an act of the last session of parliament, which makes the robbery of gardens, without any distinction of circumstances, a transportable felony. The severity of the penalty renders this law in many instances inoperative. It is paralyzed by the stronger law of humanity and reason, which tells a man to overlook altogether the offence of the school-boy who robs an orchard, more perhaps from a wanton spirit of enterprize than from vice, rather than consign him to a prison and indict him for a felony. We shall give more effectual protection to the owner of this species of property, if while we retain the severer penalties for all cases of aggravated delinquency, we empower a magistrate to hear the complaint, and if he shall think fit, to dismiss the offender for the first offence on payment of a reasonable fine. I have now detailed the leading objects contemplated by the bill for consolidating the laws relating to larceny, or I should rather say, I have given such examples of those objects as will enable the house to understand the general scope of the measure. I will now proceed to explain the outline of the other, and not less important bill, which is intended to effect improvements in the administration of the penal law generally. It is impossible, sir, to contemplate without painful reflections, the state of this country with respect to the number and the increase of criminal offences. It is useless, it is worse than useless, to conceal from ourselves the truth that there is not in this country that security from fraud and depredation which there ought to be in a well-constituted society; and that there has been of late years a rapid and alarming increase in the amount of that species of crime. Many causes may concur to swell the amount of crime in this country, as compared with the amount of it in some other



countries of Europe. Property in this country is much greater, more generally extended, and necessarily more exposed. The freedom of action which is allowed to every man by our law, the absence of any control upon that action through the medium of police establishments, like those which exist in many countries, empowered to act upon vague suspicions, and preventing by unceasing vigilance the commission of offences that would otherwise be completed—such causes no doubt contribute in many instances to favour the early stages of vice in this country. But while I notice their existence and their effect, let it not be supposed that I am blind to the greater good which counterbalances the evil, or that it is my purpose, by rash attempts at controlling the excesses which this freedom of action may engender, to impair the noble spirit, the enterprise and energy, that are its blessed offspring. I shall now proceed to submit to the house a few details with respect to the comparative numbers of criminal offenders at different periods, and I deeply regret that the result is in some particulars so unsatisfactory. In the seven years, ending December 1816, there were committed to the several gaols in England and Wales 47,522 persons charged with criminal offences. In the seven years, ending December 1825, the number was nearly double, amounting to 93,718. In the former period there were 29,361 convictions. In the latter 63,418. In the former period there were sentenced to death 4126 persons. In the latter 7770. In the former period 536 persons were executed. In the latter period 579; being an immense reduction, let it be observed, in the number of executions as compared with capital convictions. It is a circumstance worthy of remark, that although in the country generally there would appear by these returns to have been so large an increase in the amount of crime, in the last of the two periods to which I have been referring, an increase nearly of one half the total amount, there has been by no means a corresponding increase in the number of criminal offenders in London and Middlesex, although in this district the increase of the population must have been at least as great as that in any other district. Taking the more serious offences, those to which the penalty of death is attached, we shall find that in London and Middlesex 1018 persons received sentence of death in the seven years ending December 1816. In the seven years, ending December 1825, 1124; being an increase in capital offences of not more than one-eleventh. The total number of convictions generally in the first period was 7421. In the latter period 11,624. If reference be made to the number of executions in London and Middlesex in late years, compared with former periods, I trust we shall be warranted in concluding that crimes of an atrocious character are on the decrease, though no doubt the reduction in the number of executions must be partly attributed to a greater forbearance in carrying into effect the extreme punishment of the law. In seven years, ending with December 1793, there were in London and Middlesex 272 persons executed. In the same period, ending with December 1825, there were 165. In two years alone, 1786 and 1787, there were 138 executions for offences committed in London and Middlesex. In the three last years there were only 39. From the year 1810 to the year 1822, inclusive, there were 173 exe-

cutions in England and Wales, for robbery on the highway, being at the rate of about fourteen in each year. In 1823, there were five executions for this offence. In 1824, six. In 1825, six. For the seven years preceding 1823, the number of convictions for this last offence, were at the rate of 140 in each year. In the last three years they have not exceeded on the average 110. From the year 1810 to the year 1822, inclusive, there were 260 convictions in England and Wales for murder, being at the rate of 20 in each year. In the year 1823, there were 12 convictions for murder; in 1824, seventeen; in 1825, twelve. I trust, therefore, that although there has been so great an increase in late years in the total amount of criminals for crime, I am warranted in the inference that crimes of the deepest dye are less frequent than they formerly were, and that they are gradually decreasing in number. With respect to the fact that crime has not increased in London and Middlesex, in the same proportion in which it has increased in every other district of England, almost without an exception, I cannot but think that the cause of this is chiefly to be looked for in the efficiency of that police establishment, which is placed under the superintendence of the Secretary of State, an establishment consisting merely of magistrates, with no higher authority than that which any justice of the peace possesses—of constables and patrol, with no other powers than those which the common constables can exercise, but efficient and active because their whole time is devoted to the duty which they have to perform, and because a responsibility is imposed upon them, which it is very difficult to impose practically upon the gratuitous discharge of public functions. I am confident that the house will not require an apology for these general observations on the nature and extent of the criminal offences committed in this country, with which I have prefaced the explanation I will now give of the particular objects of the second measure which I propose to introduce, and which I trust I do not improperly designate a bill to improve the administration of the law. This bill will regulate in some respects the proceedings connected with the administration of the law, in the various stages of a criminal prosecution. It will re-enact, and more clearly define the duty of the coroner as to taking evidence upon an inquisition of manslaughter or murder—the binding by recognizance—and the certifying of the evidence, the recognizances and the inquisition, to the court before which the trial is to be. In respect to the magistrate—it will define what is generally understood to be the law as to the power of admitting to bail, which now rests upon the construction of an obscure statute passed in the reign of Edward I. It will make it obligatory on the magistrate to do that, which it is the general practice to do in case of felony, (but a practice not enjoined by law), namely, to take the examinations upon which a prisoner is either committed to prison, or admitted to bail, in the actual presence of the prisoner himself. It will extend this obligation to cases of misdemeanour, as to which there is at present no provision by law, and it will require the return of examinations to the quarter-sessions, to which they are not at present, by any existing statute, bound to be returned. It will extend to subsequent and to future acts the principle of an act of King William, which



places the felon in the same situation as to the consequences of his guilt, whether that guilt be proved by evidence—or confessed by himself—or admitted by his standing wilfully mute—or by his suffering outlawry. At present, there are several offences, constituted such by acts of the legislature which have passed subsequently to the act of King William, in the case of which, the same consequences do not follow to the offender, should he confess his guilt, or stand wilfully mute, as would follow in the case of his conviction by verdict upon evidence. This bill will extend to accessories to felony after the fact, the principle of the existing law, which makes accessories before the fact triable, either in the county in which the principal felony was committed, or in the county in which the offence of becoming an accessory was committed. The propriety of such an enactment will be best shown by referring to circumstances which recently occurred connected with a very aggravated burglary in the county of Hertford. Lord Cowper's house was broken into by night by a gang of eight persons, who went from London for the purpose, and his steward was robbed of the amount of the rents which he was known to have received from Lord Cowper's tenants the day before. The booty was brought to London, and was divided into shares by a man of the name of Dudfield, who received a considerable portion of it, and who, though not himself present at the robbery, was no doubt actively concerned in planning it. He was apprehended and sent to Hertford for trial, but it was impossible to convict him there, because there was no proof that the offence with which he was charged, namely, that of being an accessory after the fact, had been committed in that county in which the principal offence had been committed. He was next arraigned at the Old Bailey, but he escaped there on the same ground. Ultimately he was convicted in Surrey after very great difficulty, and at an expense to the prosecutor of four hundred and twenty-six pounds for bringing that single offender to justice. Should this bill pass into a law, the prisoner indicted under similar circumstances would be liable to be tried in Hertfordshire as well as in Surrey. By this bill a discretionary power will be given to the judges of assize and to the court of quarter-sessions to award to the prosecutor in certain cases of misdemeanour the actual expenses incurred by him. On a trial for felony it is well known that the courts have such a power at present, and experience proves that the total want of it on trials for misdemeanour, is a serious obstacle to the due execution of the law. I am fully sensible that this power ought to be strictly defined and controlled. It ought not to extend to cases of assault, on account of the tendency it might have to encourage a litigious spirit and frivolous prosecutions, and it might probably be expedient to limit it to prosecutions for those offences to which the punishment of hard labour can be by law attached. I will give the fullest consideration to every suggestion for preventing the abuse or the injurious effects of this extension of the authority of courts of justice, but I must contend that by withholding the authority altogether, you frequently close the avenues of justice in instances in which the poorest classes are the sufferers, and in which the public interest loudly demands reparation from the offender.

What distinction in point of moral guilt, nay in many cases, what distinction in point of injury to the sufferer, is there between actual rape and the attempt to commit rape? The law calls the latter offence a misdemeanour; it expects that the party aggrieved, the infant child perhaps of a labouring man, shall overcome all the natural feelings of delicacy and shame, and shall appear in a public court to prove the disgusting details of the injury she has received; it requires the sacrifice of time, the trouble which are inseparable from public prosecution, and after all, inflicts on the injured party the heavy penalty of paying the whole expenses of the suit. There may no doubt be occasionally subscriptions towards such expenses from private and casual sources, but the public purse is closed by law to the prosecutor in such a case as that which I have been detailing. Take again the case of gross abuse of authority, or gross neglect of duty, by some public officer, amounting to misdemeanour, can we expect that private individuals will take upon themselves the invidious duty of lodging the complaint, the painful task of arranging the proofs, and finally the whole costs of prosecution, and all this out of a pure abstract love of justice and tender care for the public interest? It is ridiculous to expect it: to withhold public aid from the prosecutor in such instances as these, amounts to the frequent denial of all reparation to the poor man, and to the impunity of great offenders. My attention was drawn to the last instance which I have mentioned of imperfection in the law, by a gentleman whose name will be familiar to all who hear me, the Rev. Mr. Sydney Smith, a magistrate of the county of York. He had committed a man on the charge of poisoning cattle; the man's house was searched by a constable, who found there the poison (arsenic), brought it to the house of Mr. Smith, and subsequently to screen the prisoner from punishment, denied that any poison had been found. The constable confessed the part he had acted in this transaction, and yet the magistrate had no alternative but either to permit such flagrant misconduct to go unpunished, or to take upon himself the whole burden of the prosecution. Either alternative appears to me fraught with injustice, for which I hope to devise a remedy. Perhaps in my own opinion a more extensive remedy ought to be applied than that which I am at present prepared to apply. But such a remedy might work a change in our institutions and habits too material to be hastily adopted, without feeling our way by the aid of that previous discussion which familiarizes the public mind to changes, that may be good abstractedly considered, but that lose half their benefit, if they are too precipitately carried into effect. If we were legislating *de novo*, without reference to previous customs and formed habits, I for one should not hesitate to relieve private individuals from the charge of prosecution in the case of criminal offences justly called by writers upon law—public wrongs. I would have a public prosecutor acting in each case on principle, and not on the heated and vindictive feelings of the individual sufferer on which we mainly rely at present for the due execution of justice. Such feelings are rarely the fit measure of the propriety of prosecution. They are apt on the one side to overrate the wrong committed; on the other, still more apt to subside



after the first impulse of revenge, and coupled with the just fear of trouble and expense, to lead to disgraceful compromises, in which the interests of justice are altogether overlooked. I would therefore make the prosecution of these public wrongs much more a matter of public concern than it is at present; I would (taking at the same time all proper security against the encouragement of undue litigation) indemnify parties more liberally from the pecuniary charge which the trial of a public offender entails, and I would, by the appointment of a public prosecutor, guard against malicious or frivolous prosecutions on the one hand, and on the other, I would ensure prosecution in cases in which justice might require it. In Scotland crimes are prosecuted in this manner through the agency of a public officer, responsible for the justice and propriety of the prosecution when undertaken at the public charge, and for the conduct of it through its various stages. The public prosecutor in Scotland has another power devolved upon him—the exercise of which is frequently of the utmost advantage. In the prosecution of a crime, to which the penalty of death is attached by law, he is enabled, in preferring the indictment, or indeed any subsequent stage of the trial, to restrict the sentence in case of conviction to a punishment short of death, thus empowering the jury to find a verdict of guilty with a perfect assurance that the death of the prisoner cannot be the consequence of that verdict. Whether such a power can be safely and properly transferred to the institutions of our own country, I am not now prepared to give an opinion. Of this, however, I am confident, that if it should be found possible to borrow from the laws of Scotland suggestions for the improvement of our own law, no Englishman would be found to decry the adoption of such suggestions as monstrous innovations, the offspring of a ridiculous desire for useless uniformity, and the badges of disgrace to the country for whose benefit they were intended. In the detail of the chief provisions of this bill, I have reserved for the last, that alteration in the existing law to which I attach the greatest importance. It appears to me, sir, that when a prisoner charged with a heinous crime, and proved to be guilty on clear evidence, escapes the penalty of the law upon some technical quibble, or in consequence of some omission of useless forms, a grievous injury is done to society. Not only is justice defeated in the particular case, but the law is discredited, and the numerous class that speculates keenly on the advantages to be derived from crime, compared with the risk of its punishment, sees in every instance of undeserved impunity a fresh encouragement to the adventure. They may, and probably they do, grossly miscalculate—but what is that very circumstance, but a great additional evil to society? It is surely a gross mistake to boast as the perfection of any system of law, that it favours the escape of the party accused. That law, I apprehend, to be most perfect, which most certainly ensures the conviction of the guilty man, and the acquittal of him who has been unjustly accused. But the acquittal of the innocent ought, in justice to innocence, to be upon the merits of the case. The innocent man derives no benefit from the advantage which may be taken of mere informalities; on the contrary, if that advantage be taken in his case, he forfeits, perhaps, the only chance he

has of rescuing his character from stigma, by the proof in open court, that the charge against him is totally unfounded. When I say that the law is most perfect which ensures with the greatest certainty the conviction of the guilty, and the acquittal of the innocent, I ought to add as a qualification, that the law ought to ensure that conviction and acquittal upon principles not capable of being misapplied and perverted. There are, for instance, provisions in the criminal law of France, calculated no doubt to individual instances to elicit truth, but which I should never wish to see ingrafted on the practice of this country. I should deprecate any thing approaching to the compulsory examination of an accused party; above all, I should be unwilling to see the judge who presides at a criminal trial, actively concerned in the conduct of that trial. I should fear that the general tendency of such an interference would be, if not to create in the mind of the judge by insensible degrees, a leaning in favour of the accusation rather than the defence, at least, to lead to inferences on the part of the jury as to the impressions of the judge, which might unduly influence their verdict. I should deprecate the temptation which it might create in the display of superior acuteness in the examination of evidence, every thing in short, which could give to the judge the character of a party to the cause, rather than that of a perfectly unbiassed arbiter. To return, however, to the immediate object to which I wished to call the attention of the house, namely, the expediency of devising some means, which, at the same time that they in no degree endanger the security of the person unjustly accused, shall diminish the chances of escape to the guilty man through mere quibbles or useless technicalities. If any one will review the grounds upon which great offenders, of whose guilt there could not be a question—whose guilt had been proved in evidence—nay, upon whom a verdict—upon whom even judgment itself had passed—have still escaped punishment; he cannot rise from that review without lamenting such melancholy triumphs of legal forms over substantial justice. Ought notorious guilt to be entitled to the same impunity with proved innocence, because after judgment it is discovered, (to quote the phrases of this bill, which I have had prepared,) that in the indictment for a felony there is wanting some proper addition to the name of the defendant, or because there is the want of a *profect*, or *probat per recordum*—or because there is the omission of *vi et armis et contra pacem*? Yet these are the grounds upon which offenders have escaped. Ought the murderer to have all the benefit of acquittal, because the murdered man had three Christian names, and only two of them are set forth in the indictment? or because the wound which caused his death is not described with entire accuracy? Surely we may rely on the dictates of common sense, and be assured that these things are not perfections in the law. But if I am called upon for professional authority, I will cite the beautiful expressions of Sir Matthew Hale, and let them stand as the fitting preamble to the enactment I propose. In the history of the Pleas of the Crown, Sir Matthew Hale concludes the chapter on the forms of indictment with these memorable remarks:—"And thus far, touching the forms of indictment, wherein generally we are to take notice that in favour of life great



strictnesses have been in all times required in points of indictments, and the truth is, that it is grown to be a blemish and inconvenience in the law, and the administration thereof; more offenders escape by the over-easy car given to exceptions in indictments, than by their own innocence, and many times gross murders, burglaries, robberies, and other heinous and crying offences, escape by these unseemly niceties, to the reproach of the law, to the shame of the government, and to the encouragement of villany, and to the dishonour of God. And it were very fit, that by some law this overgrown curiosity and nicety were reformed, which is now become the disease of the law, and will, I fear, in time grow mortal, without some timely remedy." In the bill which I had prepared for the purpose of applying this timely, or I should rather say, this tardy remedy, it was originally proposed to enact that if upon any trial for felony or misdemeanor, the jury shall be satisfied that any person, time, fact, matter, or thing, touching which evidence is given, is really the same person, time, fact, matter, or thing intended by the indictment, it shall be lawful for the jury to find the defendant guilty, notwithstanding any variance in the name or description contained in the indictment. It was thought, however, by some whom I consulted, and in whose judgment I place implicit confidence, that this enactment goes too far, and that it might introduce a laxity and uncertainty into indictments more mischievous than the excessive subtilty which it is intended to correct. I shall propose, therefore, to limit the enactment, at least for the present, to a specification of those defects which shall not (as at present they do) vitiate an indictment after verdict, or after confession or default.—I have now, sir, I fear, at very unreasonable length, detailed the objects of the two measures which I propose to introduce. They may not perhaps answer the expectations of some who call out for the immediate and simultaneous revision of the whole of the criminal law. To those I answer, in the first place, that they are little aware of the difficulties of far less extensive projects, of the labour and caution, and judgment which are requisite in every step of such an undertaking as that to which the present motion refers. The mere collection of dispersed statutes under one head is an easy process, compared with the more important task of rejecting what is superfluous, clearing up what is obscure, weighing the precise force of each expression, ascertaining the doubts that have arisen in practice, and the solution which may have been given to those doubts by decisions of the courts of law. In the second place, I answer, that nothing would be more unwise than to force on the country in too rapid succession, these alterations in the law. Even if we could have an entire confidence, that the substituted law was in itself perfect, without a blemish or omission, still we must recollect, that we are not the instruments for carrying it into effect, and we shall defeat our intentions, and blight the prospects of real improvement, unless we give leisure to the various authorities on whose assistance we must depend; nay, to the country generally, to comprehend the full scope of the projected changes. Let us not distract and confound society by a multiplicity of new arrangements relating to matters of such importance, and of such constant recurrence in the daily business of life. It cannot, I think,

be justly said, that of late years at least, the march of amendment in the law has been too slow. During the four years that I have held the appointment which I now hold, the following measures have been carried through parliament:—The whole of the statute law relating to prisons, and prison discipline, has been, after deliberate inquiries, commenced by my predecessor (Lord Sidmouth), consolidated and amended. The severity of the criminal law has been mitigated by extending the benefit of clergy to many offences that, before, were capital felonies; and one great objection to that severity has been altogether removed, by enabling the judges to abstain from passing sentence of death in every case, excepting that of murder. The laws relating to the punishment of transportation, have been revised and collected into one statute. The laws relating to the effect of pardons from the crown, and to the rights of convicts after pardon, and after the fulfilment of their sentence, have been placed upon just principles. The abuses that grew out of the practice that prevailed with regard to writs of error, have been corrected. And, lastly:—the jury act, comprising the regulations that were previously dispersed in sixty-six acts of parliament, which now no longer encumber the statute book, has been passed, and has, I have every reason to believe, materially improved the constitution of juries. I have entered into this detail of what has been actually done, for the purpose of satisfying the house, that there is no indisposition on my part to proceed in the review and improvement of institutions connected with the administration of the criminal law, though I certainly deprecate that rapid progress, which is inconsistent with mature deliberation, and which leaves behind it, in its thoughtless career, the various instruments, without whose concurrence it is useless to advance. There may, sir, perhaps be some who may think it extraordinary, that I, who have not had the advantage of professional practice, or even of a legal education, should undertake the introduction of measures, the details of which must necessarily require so much of professional and technical learning. But let it be recollected, that I am placed in an office which devolves upon me the duty of superintending, in many important respects, the administration of justice, which entitles me to advise the Crown as to the remission or execution of almost every sentence of the law, and which gives me daily, I might say, hourly opportunities of witnessing the practical operation of the statutes which I am attempting to simplify and amend. These considerations will probably relieve me from the charge of any unwarranted and presumptuous interference in matters which I do not comprehend. I should be indeed open to that charge, if in presenting these bills to the house, I were offering my own crude speculations, unaided by the learning and experience of professional men. No, sir; it has been my good fortune to profit by the willing assistance of men who yield to none in respect to general acquirements, to profound knowledge of the principles of law, or to experience in its practice. I owe the preparation of these bills to those gentlemen through whose labour and skill the jury act of last session was prepared; to Mr. Hobhouse, the Under Secretary of State in the Home Department, (to whom, but for the relation in which he stands to me, I would do much more ample



justice); and to Mr. Gregson, a barrister of high eminence on the Northern Circuit, justly respected by all who know him. The bills, thus prepared, have been submitted to all the judges, and from many of those eminent individuals, from Mr. Justice Bailey, Mr. Baron Hullock, Mr. Justice Holroyd, Mr. Justice Burrough, and Mr. Justice Gaselee, I have received very useful suggestions. The assistance which has been afforded by the Lord Chief Justice, I cannot sufficiently acknowledge. He has devoted to the minute examination of these measures all the leisure which he could spare from the immediate pressure of his judicial duties; and has, I fear, encroached upon that repose which was essential to the restoration of his health. In the profession of the law generally, I have found the utmost readiness to co-operate in the work which I have undertaken. It is the fashion to impute to that profession an unwillingness to remove the uncertainty and obscurity of the law, from the sordid desire to benefit by its perplexity. This is a calumny which I know to be unfounded; for I have never made, in the progress of this work, a single application for assistance to any member of the profession of the law, which has not been received in the spirit which becomes a generous mind, rising above the narrow prejudices of habit, and the paltry view to private gain. There is one gentleman among those who have thus shewn a willingness to give assistance,—to whom I must make this public return of my acknowledgments; I allude to Mr. Russell, a gentleman who has rendered important service to the law by most valuable publications, and who has offered suggestions with respect to many provisions included in these bills, that are entitled to every attention.—I now leave to the consideration and decision of the house the measures into which I have entered at such unreasonable length. They will, I trust, be found, after full investigation, not unworthy of the final sanction of parliament. They propose no encroachments upon civil liberty, no extension of executive authority,—no rash subversion of ancient institutions,—no relinquishment of what is practically good for the chance of speculative and uncertain improvement. ‘The work which I propound,’ as Lord Bacon says, ‘tendeth to pruning and grafting the law, and not to plowing up and planting it again; for such a remove I should hold indeed for a perilous innovation.’ Whatever, sir, may be the ultimate decision of this house, with respect to the measures themselves, it will not, I am confident, condemn the motives which have prompted me to the undertaking. I can have no motive but the desire to improve the opportunities which have been placed within my reach, and to exert to useful ends the influence and authority which constitute, if rightly applied, the real value of high official station. And, sir, if there be mixed with that desire any latent feeling of a more personal nature, why should I disavow the legitimate ambition to leave behind me some record of the trust I have held, which may outlive the fleeting discharge of the mere duties of ordinary routine; and that may, perhaps, confer some distinction on my name, by connecting it with permanent improvements in the judicial institutions of the country?—The rt. hon. gent. concluded his speech\*, amidst the acclamations of the house, with moving, “That

leave be given to bring in a bill to consolidate and amend the laws relative to larceny, and to such offences of stealing, and embezzling, and of receiving stolen property, as are cognizable in England.” Also, “a bill for amending the laws relating to felonies, to the trial and punishment of accessories, and the expenses of prosecutions and of the apprehension of offenders, and to the taking of examinations, informations, bailments, and recognizances, and returning the same to the proper tribunals in England.”

Sir M. W. Ridley hoped that the rt. hon. gent.’s ameliorations would embrace the whole of the British law. There was one law which required special attention: it respected the exportation of horses. There was a law prohibiting their exportation, which had been so far repealed as to allow of their being exported at a certain duty; but, as mares had not been particularly mentioned, it was still in the power of any person to prevent the exportation of a mare.

Mr. Calvert had never listened to a speech in that house which gave him more satisfaction than that of the rt. hon. gent. (hear, hear). But he thought the system, with regard to the punishment of offences, required correction. If a man did not commit a capital crime, he might continue to offend, going to prison and coming out thence worse than he went in. He might persevere in this course through a long life, making others as bad as himself. He was of opinion that every person convicted of felony should be transported for life; and gradations of punishment might be found at the place of transportation, where young men might lead better lives than at home. By following this system, the calendar might, in his opinion, be reduced one-half.

Mr. Lockhart remarked that great advantage would accrue to the country from the introduction of a protective police. The power of the constable had been too much curtailed. In Germany, powers were given to petty officers, and he thought a similar expedient might be adopted here. As it appeared from the statement of the rt. hon. secretary, that crime had increased in the country two-fold, and had not increased in the metropolis, the non-increase must, in his opinion, be attributed to the police system, and it ought, therefore, to be extended to the country.

Mr. J. Abercrombie entirely concurred in the tribute of respect which had been paid to the speech of the rt. hon. gent. (hear, hear). He considered the subject to be one of great importance, and sufficient to engage the attention of the greatest mind. In the general proposition laid down by the rt. hon. secretary he fully agreed; no one, indeed, could deny that the law ought to be made accessible to all. He wished to express his great satisfaction at having lived to see the day when a minister of the Crown had risen in his place to declare his opinion that the criminal law of the realm needed revision. Many members must recollect the difficulties which a friend of his (Sir S. Romilly) had to encounter when he endeavoured to alter the criminal law. He had been told that it was presumption to attempt it. Upon the suggestion of that distinguished person, the house did, indeed, recognize the principle that promptitude and certainty were essential requisites in punishment.—The hon. member sat down by declaring, that he attributed the great proportion of the increased crime, which was ob-

\* Reprinted from the edition of Hatchard, 1826.



servable in the agricultural districts, to the operation of the game laws. He trusted that the *rt. hon. gent.* (Mr. Peel) would keep those laws uppermost in his mind; and that some alteration in them, before long, would add to the benefits which, in his jury bill, as well as in the measure before the house, the *rt. hon. gent.* had conferred upon the country.

Sir J. Sebright concurred with his hon. friend (Mr. Abercrombie) in his opinion of the game laws. He believed that a great mass of the crime of every description had its origin in the violation of those statutes.

Mr. Sykes returned thanks to the *rt. hon. gent.* for his measure generally; and particularly for that part of it which repealed the law under which it was felony to steal an apple. An act which had probably been committed by every member of that house ought not to be punished, in any man, with such a degree of severity.

Sir G. Chetwynd agreed that there were cases of misdemeanor, such as assaults with intent to commit felony, in which it was desirable that prosecutors should have their costs. He trusted, however, that care would be taken how any new additions were made to the charges on the county rate, which were heavy enough already.

Mr. Estcourt thought that it was a mistake to attribute the increase of crime in the country to the operation of the game laws; he rather looked for the cause of that increase in the poverty and privation which was endured by the lower classes. With respect to the payment of costs upon prosecutions for misdemeanor, he agreed in the principle; but he thought the expense should be defrayed, not out of the county rate, which touched only one description of property, but out of the general taxation of the country.

Mr. Peel wished to have the provisions of his measure thoroughly canvassed. There was one alteration in the law relative to estreating recognizances, which he should deem it peculiarly important to make as soon as possible. Nothing was more common than for persons who were bound over to appear as witnesses, upon prosecutions, and were not called in court, to be actually arrested, perhaps years afterwards, owing to some mistake as to their appearance or non-appearance. As to the payment of costs in cases of misdemeanor at sessions, he believed that they would be far lighter in amount if paid out of the county rate than out of the general funds of the country. He had observed that all expenses allowed at sessions by magistrates who had an immediate desire to keep the county expenses down, were much lighter than those given by the judges of assize.

Leave was then given to bring in the bill.

Monday, April 17.—On the motion of Mr. Peel, the house went into a committee on the Criminal Justice bill.

Mr. Peel said he wished to enlarge and define the authority of magistrates with respect to the power of admitting to bail in certain cases. At present that power rested on a statute of Edward I. The clause which he should propose would enact, that where a party was charged with felony on oath of a credible witness, if the charge was not answered, and left a

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strong presumption of guilt, the party should be committed; but in cases where it appeared to the magistrate that a strong case was not made out, and that a strong presumption of guilt did not exist, then the magistrate would have the power to remand the party, until his case could be considered by two magistrates, who would have the power, if they took the same view of it, to admit the person to bail. The experience of years had shown, and he would not go further back than the commitments of the last seven years, that a vast number of persons were acquitted or discharged from want of prosecution, who had been imprisoned for considerable periods. Now, if the committee looked to the effect of imprisoning for a long period in a common gaol an innocent man on a charge of felony, and considered that in almost all cases such a person came out a much worse man in point of moral character than he was when he went in (hear, hear), they would not, he was sure, object to the grant of a power to magistrates, which would prevent in many cases the chance of an innocent man being exposed to such a contamination. He inserted the word "felony," because at present, with few exceptions, where a man was charged with felony, the magistrate, even though he might not think it a case strongly presumptive of guilt, had not the power to admit to bail, but must commit or discharge the prisoner.

On the clause being moved that all informations and examinations on which any person should be imprisoned or admitted to bail, should be committed to writing, and returned into court at its opening,

Mr. Peel said, that at present magistrates, upon charges of misdemeanor, were apt not to reduce the examinations into writing, but although it might give some little more trouble, he conceived it but right that this should be done in all cases.—This clause was then agreed to; as also the clauses for giving similar powers to coroners in this respect as to justices, and imposing a fine on both of them in case of their failing to observe the above regulations.

On the clause being moved that all felonies, without benefit of clergy, should be ousted of that benefit under all circumstances consequent on the indictment,

Mr. Hume said, that the *rt. hon. gent.*, whilst he was improving the criminal law, would be doing a great benefit if he were to do away with the distinction as to the benefit of clergy altogether; indeed, the meaning of this term was far from being generally understood.

Mr. Peel said, that it was his intention to attempt the consolidation of the whole criminal law; that next session he purposed to consolidate the statutes relating to injuries of the person, coining, and forgery, and that till a great progress had been made in this consolidation, it would be difficult to adopt the suggestion of the hon. member, inasmuch as the doing away with the benefit of clergy now would have the effect of making a great number of offences capital which were not so at present.—The clause was then agreed to.

On the next clause being read, which provided that accessories before the fact should be liable to the same punishment as the principals,

Mr. Scarlett suggested that the punishment awarded to accessories before the fact should



not in all cases be the same as that awarded to the principals. For instance, a man might suggest to another a robbery, not intending to have the person robbed treated with violence. The individual committing the robbery might, in the execution of it, employ such violence as would render his life justly forfeit to the laws of his country. Would it be right in such a case to punish the accessory before the fact with as much severity as the principal? The clause as it stood at present, would introduce a fresh severity into our criminal law. He would therefore wish to have some distinction drawn between the different degrees of guilt which individuals might contract by becoming accessories to a felony before the fact.

Mr. Peel said, that his object in bringing in this bill was not only to consolidate the law, but to reduce it as nearly as he could under one principle. Now he understood the principle of the law of England to be this—that accessories before the fact should undergo the same punishment with the principal. It was so in the case of murder, of robbery, of burglary, of house-breaking attended with circumstances of fear, of arson, of horse-stealing, and of forgery; and he believed that wherever the accessory before the fact was not punishable in the same manner with the principal, it was not by the intention but by the omission of the legislature. Though there might be cases in which the accessory before the fact was not equally guilty with the principal, there were also cases in which he incurred much greater criminality than the actual perpetrator of the felony: as for instance, in the case of a man who employed a young boy to commit a robbery. For this reason he thought the present clause perfectly defensible.

The clause was then agreed to.

On the moving of the clause empowering offences committed within 500 yards of the boundary line of two counties, to be tried in either county,

Mr. Sykes expressed a wish, that in all cases a prisoner should be tried either in the county where the offence was committed, or in that in which he was apprehended. The latter case must always be clear.

Mr. Peel thought that it would be much better to have the prisoner always tried in the county where the offence was committed, as it would enable both prosecutors and prisoners to conduct their cases with the least possible expense. If the prisoner was to be tried in the county where he was apprehended, how would the hon. gent. act, supposing the prisoner was apprehended on the boundary line, or in a boat on the river dividing two counties? He certainly could not consent to the hon. gent.'s proposition.

Mr. Scarlett observed, that if there were any doubt as to the boundary of a county, there would be also some doubt as to the distance of 500 yards from that boundary. It appeared necessary to make the law more explicit upon this point.

The clause was then agreed to.

Mr. Peel next moved the order of the day for the further consideration of the Larceny Laws bill, and after intimating that he might think it expedient not to pass the bill through the house this session, but to suffer it to stand over for consideration, in its amended state, till the next session of parliament, stated

to the house two or three of the alterations which he desired to make. In the first place, as it was expedient to limit as far as possible the list of offences which were subject to the punishment of death, he intended to repeal that law which made the stealing in a church (no matter under what circumstances, or to what amount) a capital crime. As the statute stood, a man who stole his neighbour's prayer-book, as they sat in the same pew at chapel together, would be liable to suffer death for it; the act being in itself no more than a simple larceny. He saw no reason why any other law should be applicable to a place of worship than belonged to the common case of a dwelling-house: in either case, the breaking and entering would be capital, but not the simple act of stealing. In the same way, the statute which made it death to steal from a booth or tent at a fair, was one which ought to be revised; people who keep such open booths ought to guard their property sufficiently themselves, and not look for laws of unreasonable severity to protect it. The stealing to the amount of 40s. in a dwelling-house, independent of burglary, was now capital; he proposed to increase the 40s. to 5l. The sum of 40s. had been fixed (as necessary to constitute the capital offence) in the reign of Queen Anne. Considering the different circumstances of the country, the amount which he now proposed was not materially greater. The punishment of stealing fish out of any pond was seven years' transportation; and there was no difference between an angling and a stealing by nets or other engines. Now he thought it rather hard to send an angler, although he did fish in other people's waters, to Botany Bay for seven years, and therefore proposed a mitigation; the law, as he would have it, should oblige every angler, who caught fish improperly, to give his name and address on demand, subject to a penalty of 50l. for giving a false one; and his punishment should be to pay three times the value of the fish taken, with an additional fine to the king, to be levied by order of the magistrate. With respect to the deer-stealing, hon. gentlemen were perhaps aware, that by the present law, any person who was sworn to have had the head, hide, or any part of the flesh of a deer in his house within one month from the date of the oath, was liable to be called on—without any proof given that he really had possessed such venison—to show that he had not possessed it illegally. This statute was too severe; indeed perfectly unreasonable; and he (Mr. Peel) proposed to leave the law as to venison on the same footing with that which applied to other meats. Some change was proposed in the law referable to obtaining goods on false pretences; but with these, at so late an hour, he would not intrude upon the house.

The report was received, and ordered to be further discussed on that day se'nights.

LORDS, TUESDAY, MAY 9.—The Earl of Liverpool having, in moving for its commitment, described the heads of the Criminal Justice bill, said, that he could not conclude without making two or three observations on the statements which had gone abroad respecting the increase of crime. In the first place, it appeared from the returns that the increase of crime had been greater within the last series



years than the preceding seven years; secondly, that though the increase of crime had been greater on the whole during the last seven years, still the more heinous crimes had not increased. Strange, however, as it might seem to their lordships, it was found that the increase of crime was not proportionally so great in the metropolis and its vicinity, as in the country at large. This result was contrary to all the ideas which had heretofore been entertained on this subject, for it had always been supposed that crimes abounded most in a great and luxurious metropolis. Another remarkable circumstance was, that if any line of distinction could be drawn between the manufacturing and agricultural districts, it would be found that the balance was rather in favour of the morality of manufacturing districts over the agricultural. This state of things with respect to the agricultural districts might perhaps be in some measure owing to the laws respecting game, and he thought that those laws required revision.

The bill was then committed, some amendments were made, and the report brought up.

THURSDAY, MAY 18.—The Earl of *Liverpool* having moved the third reading of this bill,

The Earl of *Malmesbury* not only had no objection to the principle of the bill, but highly approved of it, and he was of opinion that the name of the framer of this and other bills of a similar kind would descend with distinction to posterity, while the memory of the political economists would be buried in oblivion. But he wished to bring under the notice of the house a clause which maintained a practice that appeared to him to be founded on partiality and injustice. This bill allowed expenses to poor prosecutors, which, indeed, was the old law with respect to cases of felony. The present measure, however, not only confirmed that practice, but extended it to cases of misdemeanour. According to the bill, any Irishman, Scotchman, soldier or sailor, or whoever he might be, would be entitled to the allowance. Now, as this was a measure of public benefit, it was natural to expect that the expense would be thrown on the public. But on what fund did the burthen fall? On the county-rate. The hardship of such a measure would evidently appear, by considering the burden which the county-rate already imposed. In a county with which he was connected, the rate for ten years, ending 1799, had in no year been more than 200*l.* In the ten years ending 1812, it was in no year more than 538*l.*; but in the ten years ending 1823, it rose to 1315*l.* The county-rate had now increased to nearly seven times the amount at which it stood in 1799; and if regard were had to prices, still higher, (for wheat, which was then at 8*s.*, was in 1823 only 6*s.*) The extent to which such charges on the county-rate might be carried was a serious consideration. By another clause it appeared, that certain expenses might be paid on application to the Treasury; and he thought those charged on the county-rates, which fell chiefly on agriculture, while the landholder escaped the burden, might be paid by an order on the receiver-general of the taxes.

The Earl of *Liverpool*, with respect to the principle of the clause to which the noble lord had referred, observed, that it had not been adopt-

ed without due consideration, and communication with persons interested in its operation. All charges were not thrown by the bill on the county-rates, but in special cases power was given to the judges to award certain expenses. The burden had always been borne by the county-rate in cases of felony; but whether the whole mode of conducting this business might not be placed on a different footing was a question which he considered open to discussion. It would be a fit question for their lordships' consideration, whether the law of Scotland should not be followed, and the law officers of the Crown made public prosecutors. He felt the weight of the objection made relative to the county-rates. The principle with respect to these charges was, that they should fall on every description of property, and if any way could be devised to distribute the burden more equally, he should certainly throw no obstacle in the way of so just a measure.

The bill was then read a third time, and passed.

### *Stealing in Orchards.*

COMMONS, THURSDAY, APRIL 27.—Mr. Sec. *Peel* observed, that he had already intimated his intention of postponing till the next session of parliament, the bill for the consolidation of all the laws relating to the malicious destruction of property. There was, however, an act passed during the last session to prevent stealing from orchards, which he did not think ought to stand till then. That act included the offence of a schoolboy who stole an apple, as well as offences of greater moral guilt; and it materially tended to deprive individuals of the very protection it was designed to afford, for persons would rather connive at those acts than be instrumental in sending the offenders to prison. Some other mode of punishment might be devised, either by a fine or summary conviction, or forfeiture of treble the value of the goods, and in default of payment, committal for a limited time. The offence ought not to be punished as a felony. If the house thought it expedient that this bill should not be suffered to remain, he would move for leave to bring in a bill to amend the law respecting the offence of stealing in gardens and hot-houses.

Leave was given to bring in the bill.

### *Counsel in Cases of Felony.*

TUESDAY, APRIL 25.—Mr. *George Lamb*, in asking for leave to bring in a bill for the purpose of allowing persons prosecuted for felony to make their defence by counsel, explained why, since the last discussion, he had suffered two sessions to pass over without calling the attention of parliament to the subject. His reason was his unchanged conviction that there was no good ground of opposition to be offered to the motion which he intended to propose. In alluding to the arguments which had been used on the former debate, he could not avoid expressing his surprise that the Attorney-General, when he admitted the propriety of counsel speaking on behalf of persons accused of misdemeanours, had not thought it inconsistent to refuse the same privilege to those accused of felony. He did not think it necessary now to go over the whole of the au-



thorities, which he had mentioned on a former occasion; but he could not allow it to be imagined for a moment, that he considered the old common law of the land, as was asserted, to have ever precluded a prisoner from employing counsel in his defence upon a charge of felony. In *Magna Charta* itself, it was expressly stated, that no man should be put upon his trial save *per iudicium parium aut legem terræ*—a full proof, as he conceived, that from the very foundation of the common law, a man was intitled to full use of counsel and advice upon his defence; and that the limitations which had been introduced by various bills only related to those cases where the Crown sued in its own right, and not where it acted as a public prosecutor. That power had, however, been taken away from the Crown in cases of prosecution on its own right; and there were many authorities in favour of the general right. Among them he might mention the names of Blackstone, of Whitelock, and even of Chief Justice Jefferies, who, when he attempted to vindicate the denial of the copy of the indictment, said that the denial of counsel to prisoners was a bad practice, and not to be defended. He might, too, refer to the authority of Sir John Hall, in *Hillis's* case, and Sir R. Atkyns, in *Lord Russell's*, whose arguments upon the subject were afterwards recognised as law in the act for reversing the attainder. He might allude, too, to the opinions of Sir Bartholomew Shower, in the arguments for a new bill of rights in 1692. But the most remarkable was that of Sir Matthew Foster, in his crown law, and the more remarkable, because it seemed to have been relied upon during the last debate as an authority against the practice. It was, however, to be remembered, that there was nothing extraordinary in a judge from the bench (and in that light they must view Sir M. Foster) defending the practice as he found it. Sir Matthew Foster said, however, and he conceived it bore quite as much for his case as against it, that "at common law no counsel was allowed upon the issue of guilty or not guilty, in any capital case whatever, except upon questions of law; and then only in doubtful, not in plain cases. I am far from disputing the propriety of this rule, while it is confined to felony and the lower class of treasons, concerning the coin and the seal. I hear many things have been thrown out upon this subject; and inconveniences, some real, some imaginary, have been suggested by popular writers, who seem to have attended only to their view of the question; but it is impossible, in a state of imperfection, to keep clear of all inconveniences, though wisdom will always direct us to the course which is subject to the fewest and the least; and this is the utmost human wisdom can do." Any thing more absurd than such a declaration being taken as authority could scarcely be conceived; and they would find, that long after the treason bill, the same eminent judge, in a trial which took place at Bristol, of which place he was recorder, in the case of a Captain Goodyer, for murder, refusing the prisoner a right to cross-examine the witnesses; it was not astonishing that a lawyer who would refuse a prisoner to cross-examine a witness, should declare that he thought it unnecessary for the prisoner to have the benefit of counsel. The time was gone by, however, when they were in the habit of looking upon the wisdom of their an-

cestors as something infallible; he thought, as the great Lord Bacon once said, in his advice to a young judge, that they should use the wisdom of other times as a light to open their eyes, but not as a guide to lead them by the noses (hear, hear). He was now relieved from being met by those panegyrics which they had heard so often upon their criminal proceedings, and by declarations of their being the very perfection of human wisdom; for they had at that moment before them a bill, which intimated, in pretty strong terms, that all the criminal laws were not thought entirely perfect. In answering the cases made out for the prisoner upon this subject, it had been taken as a general axiom that the judge was always counsel for the prisoner, but he begged to deny that most distinctly. The judge was counsel for public justice, and could not be considered more a counsel for the prisoner than for the accuser. He had said that Sir Bartholomew Shower was in favour of counsel for the prisoner; and he would now read an extract from his *Reasons*, in 1692, for a new Bill of Rights, which, he thought, would bear him out in his assertion. It was to be found in *Somers' Tracts*, vol. 1. p. 568:—"Then, in the name of God, what harm can accrue to the public in general, or to any man in particular, that in cases of state treason counsel should be allowed to the accused? What rule of justice is there to warrant its denial, when in a civil case of a half-penny cake, he may plead either by himself or advocate? That the court is counsel for the prisoner, can be no effectual reason, for so they ought to be in every action, unto each party, that right may be done; but the Frenchman's remark upon this phantom, for it is no more, hath sufficiently censured it. 'My counsel ask no questions for me—my counsel make no good sign for me—me no like my counsel.' And it hath too often proved, according to that poor fellow's observations, nothing but practice. No written law excludes from counsel in any case (says the great Lord Coke); and there is the same pretence for denying a copy of the indictment: though that has been granted in case of felony, in one Kitt's case, which is in a book called *Mair's Reports*."—In modern times he could produce an authority which must be allowed to possess some weight. Baron Garrow, in his charge to the grand jury at Exeter, on the 16th of August, 1824, thus expressed his opinion on the subject of a judge being counsel for a prisoner:—"It had been said, and truly said, that, in criminal courts, judges were counsel for the prisoners; so undoubtedly they were, as far as they could, to prevent undue prejudice—to guard against improper influence being excited against prisoners; but it was impossible for them to go further than this—for they could not suggest the course of defence that prisoners ought to pursue, for judges only saw the depositions so short a time before the accused appeared at the bar of their country, that it was quite impossible for them to act fully in that capacity."—He thought such sentences from the bench must go a good way towards answering the objection, that prisoners were always provided with counsel on the bench. Another objection frequently urged was, that if counsel for the prisoners made misrepresentations or mistakes, a judge must reply upon him in his charge to the jury. But he would ask if any such consequences had follow-



ed from allowing counsel in cases of treason? Would not any thing of that kind be preferable to what happened in the case of Mr. Spencer Cooper, afterwards on the bench himself, who, when put upon his trial for murder, in a duel, was told repeatedly by the judge—"Come, now, Mr. Cooper—no more flourishes; speak to the point." Could such language have been used to any counsel, employed for Mr. Cooper, on such an occasion? He remembered seeing a case in the newspapers, where two men were tried for a burglary; and one of them was reported to have cross-examined the watchmen as to whether or not the deed was committed in the dark. The judge, upon that, observed, that he considered it a very bad sign when such men as they were seen so well versed in the knowledge of the intricate parts of cross-examination (a laugh). It seemed something like a decision pronounced by that summary legislator, Jack Cade, who is said to have told a man he would hang him, if it was only for pleading his life so well. The hon. gent. then alluded to the case of Bellingham, who was permitted to pour forth slanders, in his defence, which no counsel would have dared to utter, and argued, both from it and other cases, that there was no danger of a judge turning himself against a prisoner from the observations of his counsel. Another advantage which, he calculated, would be derived from the bill it was his intention to introduce, was, that it would afford facility for the detection of perjuries in proving *alibis*, which were so frequent at present. The verdicts of juries under the present mode of trial were very frequently unsatisfactory to the public. If no complaints were made of them, it was because the public knew that wherever any doubts existed as to their correctness, they were certain to be considered in the office of the Secretary for the Home Department, and that sentence would not be carried into execution until the whole case had been subjected to the most rigorous revision. He should be sorry to allude to cases where execution had taken place without the public being satisfied of the guilt of the party executed, though he did believe that such cases occurred. But had they not repeatedly seen instances, where men were respited almost at the foot of the gallows, from doubts which had arisen upon a reconsideration of the evidence, by the officers of the Crown? There was the case of the men who were sentenced to death the other day, for robbing Lord Cowper's steward—a case which shewed that the proceedings, though they were not tainted by perjury, were unsatisfactory to the public, and were therefore wisely and justly reversed by the *rt. hon. gent.* (Mr. Peel). It was difficult to collect the opinion of the judges now on the bench upon this subject; but if he might be permitted to hazard a conjecture, he thought that they were not opposed to the view which he was inclined to take of it. He believed that he might say that there were some judges who felt very acutely the impolicy of the present system, under which they were obliged, as soon as the evidence for the prosecution was closed, to tell the prisoner, "Now is the time for you to say any thing you may have to say in your defence, for your counsel cannot say it for you;" and then to witness the jailor pulling him by the arm, and prompting him to say, "I leave it all to my counsel," amidst the gaping and laughter of the multitude, on whom such a scene was not calculated to leave an impression very favour-

able to the administration of justice. With a view of obviating the impolicy of this system, efforts had been made to stop the speeches of the counsel for the prosecution. But such a plan had been found impracticable in cases of difficulty, where it was necessary to inform the jury of the facts to which it was necessary that they should turn their attention on behalf of the prosecution. It was then proposed, that in such cases the prisoner's counsel should have the right of making to the jury a similar statement of the points of his case before he proceeded to call the witnesses on the part of the defence; but then the difficulty arose as to the party who should decide in what cases this privilege should be granted. It clearly could not be the judge, for that would be making him acquainted extra-judicially with the circumstances of the case; and if it was not the judge, who else could it be? It appeared, therefore, to him, to be most advisable to give to prisoners generally the right of making their defence by means of counsel. He had been told that counsel would be placed in a situation of great embarrassment, when an undeniable case was made out against the prisoner, since he must either hold his tongue, and so admit the guilt of his client, or suggest doubts, in which he, in common with the whole court, must see there was no weight. Now, he thought that the *gents.* at the bar would be relieved from the irksomeness of this situation, if they were allowed in such cases not to deny the guilt of the prisoner, but to urge such considerations as might suggest themselves to their mind in mitigation of the punishment legally attached to it. They were already allowed to pursue such a course in cases of misdemeanor, and he could see no adequate reason why they might not also do it in cases of felony.—The learned gent. concluded by moving for "leave to bring in a bill to allow persons prosecuted for felony to make their defence by counsel."

The *Attorney-General* rose to oppose the motion. He trusted that, after the full discussion which this subject had undergone upon a former occasion, he should be excused if, instead of following his learned friend into the wide and devious field of argument upon which he had entered, he merely confined himself to stating his own view of the question. He had no hesitation in declaring, that in his opinion the alteration which his learned friend proposed to make would, practically speaking, not be an advantage, but an inconvenience to the fair, calm, and dispassionate administration of the criminal justice of the country. His learned friend had talked much to them of authority. Now he wished to say in the outset that he was not going to decide this question by authority, but by the practical experience which he had acquired as a lawyer, and by the information which he had carefully collected from every quarter; and, judging by that experience, and by that information, he was bound to say that he had come to a conclusion directly the reverse of that at which his learned friend declared himself to have arrived. He believed that the bar were divided in opinion as to the policy of the measure proposed by his learned friend, but the judges now on the bench almost universally disapproved of it. If, then, those who were best qualified to judge on such a subject, considered the proposed alteration to be at the best one of doubtful utility, he thought that the house



ought to act with caution in regard to it, because it was evident, that if they once granted to prisoners that latitude of defence which was now asked for, then it would be impossible to recal the grant, supposing it should turn out in practice to be pregnant with inconvenience. He called upon the house to consider how justice was administered at present in the courts of England. He asked every gent. who had witnessed the proceedings of our tribunals, whether, in point of temper, coolness, and collectedness, any thing could be added to the system which existed at present. It was true, that the counsel for the Crown did make a dry statement of the case against the prisoner; but then, if he overstepped his duty, the judge always interposed and reprimanded him for so doing. After the statement which counsel were allowed to make was concluded, the evidence on the part of the prosecution followed, and was heard calmly and temperately, and without any controversy or contest. The prisoner was then called upon for his defence. He made any statement that he thought right himself, and then left the remainder of his defence to the prudence of his counsel. The counsel, it was true, could make no statement for him, but he could arrange and marshal his evidence, and argue points of law. That evidence was called, heard, and examined in the same manner as that offered by the prosecutor's witnesses, and then the judge, not as counsel for either party, but as the head of the court, who was bound to see that justice was impartially administered, upon a calm, dispassionate, deliberate, and collected view of the case, submitted it to the consideration of the jury, who decided upon it. Could any thing be better than such an arrangement? Let them now consider what it was proposed to substitute in lieu of it. They were to create, in case of criminal justice, that excitement, animation, and zeal amongst contending advocates, which invariably arose amongst them when they were pitted against each other in civil cases. Was he exaggerating upon this point? No; every day's experience proved the truth of his assertion. He had heard it lamented over and over again in the Court of King's Bench, that whenever an indictment for perjury was tried there, it was carried on with the same zeal and pertinacity, with the same desire to press and suppress particular parts of the case, as took place in a contest where civil rights only were at issue. Would any advantage result to the community from introducing such a spirit into the whole mass of our criminal proceedings? Even if there would, was it so great that a real and palpable good should be sacrificed for the attainment of it? Let the house look at the practical effects of such a measure. If counsel were heard for the prisoner, he presumed that he was to be heard liable to the same rules which prevailed in other cases. If, then, the counsel for the prisoner called witnesses, the counsel for the prosecutor must be entitled to a reply. Now one of the most anxious duties which a counsel had at present to discharge was in those criminal cases where the defendant was entitled to make his defence by counsel, as in indictments for perjury and for conspiracy, to know whether he ought or ought not to call witnesses who were represented to him as material. If he called them, he gave the prosecutor a reply, and thus entitled the party, who made the first impression on the jury, also to

make the last. He had heard his learned friend (Mr. Scarlett) lament over and over again the unequal situation in which a defendant was thus placed. Did his learned friend (Mr. Lamb) wish to introduce this inequality into all our criminal proceedings? Did he wish in all cases to give the prosecutor odds against the prisoner? Was the prosecutor not only to be heard first by the jury, but also to be allowed to avail himself afterwards of the little discrepancies of the evidence for the defence, in order to inflame their feelings, and to transfer to the individual the indignation which ought to be directed against the crime? Infinitely better was it for the investigation of truth that the evidence should be heard temperately and calmly on both sides, and that it should then be left without comment or misrepresentation by either party to the judge, who had to deal impartially between both. He had before said that the judge was not counsel for either party; was not counsel for the prisoner, and it was most material that he should not appear to be counsel against him. Now, suppose that the prisoner's counsel determined to call no witnesses, and that he resolved to sacrifice any advantage his client might derive from them to the policy of avoiding a reply from the prosecutor's counsel; what would be the consequence? First, that the counsel for the prisoner would indulge in broad assertions unwarranted by the evidence; and next, that the judge, when he began to pursue his observations upon the line of defence suggested by the prisoner's counsel, would put himself in a situation apparently hostile to the prisoner. Every body at all conversant with the operations of the human mind, must be aware that when a man was pointing out the fallacy of an argument, it was difficult to stop at the precise point where he ought. If the judge should, in the warmth of argument, go beyond that point, the inevitable consequence would be, that the judge would be represented as bearing hard upon the prisoner, and that the verdict, if it were recorded against him, would be attributed to that circumstance. He conceived that that observation deserved the serious attention of the house. He was now brought back to the original question in this case,—was the present system so defective as imperiously to demand this alteration? His learned friend had said that innocent men, under the existing mode of trial, were sometimes found guilty. He would admit that to be the fact, and would then ask his learned friend whether he was prepared to say that, under the proposed alteration, such an event would never again take place? Would it not, in all human probability, be constantly said, as it was now often said in civil cases, "Oh! that verdict was owing entirely to the admirable reply of the counsel for the prosecution?" What would be the result then? That representations would be constantly made to the judge who tried the case, and also to his *rt. hon. friend* near him (Mr. Peel), that the verdict was not gained by the weight of the evidence, but by the eloquence of the counsel for the prosecution? Unless his learned friend could show that this would not be so, there was no weight in the argument which he had founded upon the circumstance that innocent men were sometimes unjustly found guilty. Such was the short view of the question which he had to submit to the house. He would not say of the al-



administration of criminal justice in this country, that it was perfection—for what human institution was perfect? but he would say of it, that it was superior to that of any other nation in the world. He was unwilling, therefore, to introduce into it an alteration which even its advocates admitted would be productive of important consequences one way or the other, and which he conceived would be productive of no real advantage, but of much practical mischief and inconvenience. He admitted that, as a lawyer, he might have many erroneous prejudices upon this subject, for he knew what systems had been defended by lawyers of former times, whose motives were free from all imputation. Formerly accused persons laboured under greater difficulties than they did at present. In cases of felony, they had originally no counsel; then counsel were assigned to them under certain limitations—to argue points of law. They were not, however, allowed to suggest them; if the prisoner found them out himself, and the Court thought them arguable, counsel were appointed by the Court to argue them. Another difficulty with which a prisoner formerly had to contend was, that his witnesses were not examined on oath, and the reason assigned for it was, that they would thus have a greater latitude in which to speak on behalf of the prisoner; but when a conflict arose between their statements and the evidence for the prosecution, the judges always told the jury that one party was sworn, and that the other was not. He mentioned these facts to show the house that he was aware that he might be under the influence of professional prejudices, and to prove to them that he had endeavoured to get rid of them in his consideration of this subject. He therefore conjured the house to pause before they consented to the proposition which had been made for altering the present system, because, if they should once adopt that proposition, it would be impossible ever again to revert to the practice which the experience of so many years had proved to be wholesome and useful. However it might be found, when the alteration should be made, that it was inconvenient to the administration of justice, and injurious to the prisoner, it would be impossible to repeal it. He assured his learned friend, that he opposed him now as he had done on a former occasion, on the principle of his measure. The objections which he had raised were not connected with the details, but with the principle of the alteration which it was proposed to effect, and he therefore thought that the present was as fitting as any future opportunity could be for the discussion.

*Mr. John Williams:*—His learned friend (the Attorney-General) had very forcibly described the inconveniences which he fancied might result from the zeal and eloquence of counsel who might be employed on behalf of prisoners; but it must be remembered at the same time, that the want of such assistance left the prisoner in a most helpless situation. And if counsel might sometimes be led by the warmth of their feelings, and the excitement of the subject on which they were engaged, into those flights of eloquence which his learned friend had spoken of, (but which he thought was generally too highly rated), this was not the case only with the counsel for prisoners. It was said that the alteration was the less necessary, because prisoners had the judges who tried them to act in the capacity of their counsel. This sounded very

well; but his own experience had taught him that there was little practical advantage in it. If it should ever be his own lot to be tried for a felony, he should in the first place take care not to be his own counsel, as in that case he knew, on the faith of the adage, what sort of person he should have for his client—and the person whom of all others he should next wish not to have for his counsel would be the judge. He should rely with much greater hope of success on the assistance of such an advocate as his learned friend, or of any other person of his skill and experience. His learned friend had viewed the subject too much in the light of a lawyer. He had omitted altogether that inequality in the situations of the prisoner and prosecutor, which formed the chief ground of the present motion, and had overstated, as he (Mr. Williams) thought, the inconvenience which, by any possibility, could result from the change which it was now sought to effect. In his opinion nothing could be more offensive and lamentable than the forlorn and derelict situation to which prisoners were sometimes reduced, and the desperate attempts they made to save themselves, and which sometimes brought down upon them the fate they were endeavouring to avert. For these reasons he gave his cordial support to the motion.

*Mr. Peel* expressed his dissent from the proposition which had been submitted to the house. Two years ago the same subject had been under discussion, when the deliberations upon it were conducted with so much ability and acuteness, that he must confess his opinion had oscillated, and he had entertained some doubts on the question. He thought, however, that it would be better and more safe to give the benefit of those doubts to the existing system, and he had accordingly voted against the motion. The subsequent reflection and examination he had bestowed on the subject had convinced him that he was right. He should not object to the alteration, because it was an innovation upon a practice which had been sanctioned by years; for that would come with an ill grace indeed from one who had already more than once endeavoured to abolish customs, which, if their antiquity alone could have recommended them, were entitled to the most absolute protection. Nor was it because numerous authorities were to be found in favour of the existing practice; for the same might be said of many others, of which he entirely disapproved. On both sides authorities might be adduced, the weight and respectability of which no one could doubt, and which might place the mind of any one who examined them, as Lord Bacon said, in *confluentis aquarium*. He was ready to admit, that whatever would tend to elucidate the truth, to procure the acquittal of the innocent, and the conviction of the guilty, recommended its immediate adoption, and the alteration of the system which prevailed; but it was because he believed the motion of the learned gent., if carried, would not tend to this, that he opposed it. One of the considerations on which his opposition was founded was, although not in itself a very important one, yet not to be lost sight of—he meant the expense to the prisoners in paying fees to counsel, and the delay which must be occasioned in the administration of justice. He did not mean to be understood that any consideration of expense or delay ought of themselves to preclude an alteration like that now moved for, if it could be



shown that justice was more fairly done in consequence; but he did not believe (and he had means as accurate, perhaps, as any one, of knowing the fact if it were so), that any injustice or even inconvenience was felt by the prisoners themselves under the actual practice. Every day almost petitions were presented to him on the behalf of prisoners, which contained various complaints, but he did not remember to have seen one like those mentioned by his learned friend. Various grounds were alleged by the prisoners, but none of them complained that counsel had not been heard on their behalf. He was unwilling to risk any change in the present system, (which not only secured the impartial administration of justice, but gave general satisfaction), if, under the system which it was proposed to introduce, the judge might be rendered less impartial, and the jury less free from influence than at present. On these grounds, he was compelled to give a reluctant refusal to a proposition which had come before the house, recommended in so fair and temperate a manner (hear, hear).

Mr. *Horace Twiss* said, that in assenting to the motion, he was not influenced by any consideration of its probable effect upon the number of acquittals; the true object being, not to acquit the greatest number of prisoners, but to secure the greatest number of right verdicts. He should, therefore, instead of inquiring whether this change of the law would be a gain to prisoners, inquire only, whether it would be a gain to public justice? While it gave to the accuser the right of stating his case to the jury by counsel, it denied the same right to the accused, and then compensated this injustice to the prisoner, by the still greater injustice to the country, of allowing unsubstantial objections to the indictment. Any statement on the merits must be made by the prisoner; but the prisoner might be disabled by illness, blindness, deafness, or some other visitation. If there were such a disability in a majority of cases, the legislature would, no doubt, relax the law. But, in the majority of cases, this ground for relaxation did already exist; for the prisoner was placed in a situation, the terrors whereof were such as would take away from any average man the common resources of the human mind. If this were a condition to confound the sight, hearing, and speech of any ordinary man, what mattered it, whether those needful organs and senses were denied to him by nature, or paralyzed by circumstances (cheers)? Was he not, in either case, equally a defenceless man? It could not be said that his guilt had made him dumb: for, till his trial should be concluded, he was presumed to be not guilty. There was a homely saying, that "he who is his own advocate, has a fool for his client." To that incapable advocacy the law consigned every prisoner in a trial for felony, in the very crisis of his life or death (cheers). The prisoner seldom knew, till he was called on for his defence, that his counsel were not permitted to address the jury for him; so that he had to execute this difficult task at a moment's notice. In such a state of things, what did he profit by the boasted excellence of the criminal law in general? Its excellencies might as well, so far as he was concerned, be contained in the Code Napoleon, or the Imperial Pandects. It had been said that the judge was counsel for the prisoner. It would be more correct to call him counsel for

the prosecution, for his only instructions were the depositions for the prosecution, from which, in the absence of counsel, he examined the evidence against the prisoner. On the prisoner's behalf he had no instructions at all (hear, hear). The maxim that he was counsel for the prisoner was untrue even in theory. The duties clashed. Did the judge take all advantages to defeat the prosecutor, and acquit the prisoner? Then, as judge, he betrayed his oath of office. Did he decline to take those advantages? Then, as counsel for the prisoner, he deserted his client (cheering). Sir Robert Atkyns had observed, in his comments on Lord Russell's trial, that he knew by experience what sort of counsel judges were to prisoners. That the hardship had not confined itself to political cases, nor to very early times, Mr. Savage's trial was an instance; and though Judge Page would have no imitators now, yet modern judges might not be so influenced by other considerations, adverse to the prisoner, as his character, his demeanour, or the public consequences they might happen, in their own minds, to apprehend from his offence. A judge, summing up for an acquittal, might seem to be the prisoner's counsel; but how if he summed up for a conviction?—the prisoner's counsel, exhorting the jury to convict his own client? But the rule was then explained to mean, that he was counsel for the prisoner, only so far as to see that the prisoner suffered no wrong. Why, to that extent he was counsel for the prosecutor also, and for every suitor in every suit. The maxim was a fanciful one. No such principle as that the judge was the prisoner's counsel, had ever been adopted in the ancient law; but the hardship arising from a want of some provision becoming afterwards apparent, some dealer in legal fictions had invented this afterthought, this humane prettiness, of treating the judge as the prisoner's counsel (cheers). And so the absurdity of refusing counsel in the extremity most requiring it, had been met by the greater absurdity still of treating, as an advocate for one of the parties, the only person in whom it would be a vice to have a bias for either (loud cheers). Lord Coke had assigned as a reason for leaving the prisoner without any other counsel than the judge, that "the evidence to convince him (to convict him) should be so manifest, as it could not be contradicted." Perhaps there were some cases thus clear; but there were many with circumstances more or less favourable to the prisoner. In these, there being more or less of doubt, the question on which the prisoner's life or death must turn, would be the degree of consideration these doubts were entitled to; and yet on that question you refused to hear his counsel. The doubt might be a reasonable one, and yet not so obvious to suggest itself spontaneously to the court. The judge on the bench might well fail to see some points in the view, which the counsel at the prisoner's side would discriminate distinctly. The lights strike differently on the same objects, when seen from positions so different; but therefore the court should gladly adopt any assistance to catch and distinguish those points from the haze and shadow in which they rested. There had been a notion that the doubts raised would be quibbles, or trifles to swell a speech. That might occasionally happen, but in general the privilege would be used for better purposes. There was a large class of cases where the slightest varia-



tion in the proof made the broadest distinction in the offence (hear, hear), as where manslaughter bordered on murder. There was the whole class of cases resting on circumstantial evidence, where the minutest and most argumentative statements were made by the prosecuting counsel. If all that reasoning and inference were useful for the prosecution, could it be altogether needless for the defence? or, if needful, could it be furnished by the prisoner himself? It was feared, by the *rt. hon. Sec.*, that appeals would be made to the fancy of jurors. Considering the class of persons, he himself had little fear of attacks upon their imagination. But the mischief existed already in another form. Speeches were made under colour of legal objections, and observations insinuated in the shape of questions to witnesses. These practices, bordering on irregularity, produced heats among the counsel; for where the lives of their clients, as well as their own reputations were at stake, strong feelings would needs be roused; and the more bitterly, on account of the prisoner's disadvantages. A contest of fair speaking, a legitimate vent, would prevent these feelings from exploding in that irregular direction (cheers). The argument of his learned friend (the Attorney-General) then took another turn; contending, that the prisoner would be a loser by the sharp reply the judge would be obliged to make upon the counsel's heated speech. But if his learned friend's opinion were a correct one—that the general effect of the speeches of counsel was rather to hurt than help the prisoner, by bringing down a destructive reply from the bench—treason must be the case where counsel would be most hurtful, because treason was the offence where the judge was generally most adverse to the accused (cheering). But the privilege, though denied to felony, was not confined to treason; it had existed in all cases of misdemeanour for centuries, without even a suggestion of its being injurious, till the Attorney-General's speech of that evening (cheers). Thus, in treason, the highest offence, and in misdemeanour, the lowest, you allowed the privilege; denying it only in felony, which was in neither extreme, but lay between both. Was there any thing in the actual nature of the offences called felonies to warrant such a distinction? So far from it, that very often it was difficult to say, on the facts, whether the offence were felony or not; nay, it might sometimes be felony, misdemeanour, or treason, as the prosecutor pleased: as where a mob had assembled, to repeal by riot and force some unpopular statute, and certain persons had continued in that assembly for more than an hour after proclamation to disperse (hear, hear). That might be treated as a levying of war against the king; and then the prisoner would be entitled to receive, as Lord G. Gordon did receive, the full and saving aid of counsel. It might be treated as a seditious riot; then it would be a misdemeanour, and counsel would still be allowed. But if Government had a mind to destroy the prisoner effectually—to fire a deadly shot, yet make no report,—let them introduce into the indictment the aggravation that the prisoner had continued with the mob for an hour after reading the proclamation to disperse, and they would convert the charge into a felony assailing the prisoner's life, and at the same time exclude the address of the counsel, by whom, peradventure, that life might have been saved

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(cheers). Could an exclusion, thus resting on the form of proceeding selected by the prosecutor, be vindicated as a thing beneficial to the prisoner (cheers)? If it were for his benefit to exclude counsel, they should be excluded in treason,—they should be excluded in misdemeanour,—the benefit intended should be made uniform and equal; but if the exclusion was a disadvantage, the prosecutor should not be permitted to impose that disadvantage on the prisoner by a mere variation in the form of his proceeding. Neither was it only in political cases that this distinction was unreal between felony and other divisions of crime. A receiver of stolen goods, who had employed a young girl to rob her master, might be tried for the misdemeanour; the girl being taken afterwards, would be tried for the felony. The receiver would be punishable only with fine, imprisonment, or whipping, and he could have counsel to defend him with the jury: the misguided girl, being indicted for felony, would be forbidden this advantage; and yet to her, transportation or death would be the consequence of conviction (hear, hear). Was there any foundation in reason for these distinctions?—or was not the felony, in very many cases, lighter in the scale of moral guilt than the misdemeanour? His learned friend (the Attorney-General) was afraid that the prisoner's counsel might be embarrassed by the consideration, whether he should call witnesses, and thus let in a reply, which, of course, must be allowed, if they allowed a speech for the defence. Even in civil cases, his learned friend had said, where the defendant's counsel did address the juries, this difficulty was often a painful one; and what could it be in criminal trials? He would ask his learned friend, whether defendants in civil cases would be willing to give up the right of addressing the jury by their counsel, for the sake of avoiding this embarrassment? If not, he was at a loss to understand why the right should be more injurious to defendants, in criminal proceedings (hear, hear). In truth, the only difficulty he found was to understand how it happened, that the sanction of law should still be wanting to this common right. He could account for it only by the strength which custom lends to all old regulations—the vigour of mere inveteracy. How could any man state the nature of the doubt in graver language? If a native of Scotland—where this hardship was unknown—should meet any member of the house next day, and ask, what arduous problem in legislation had been occupying them that night, what account would he render of the disquisition? He would have to tell the inquirer, that the house had been considering the question—whether, in a court of criminal justice, it were fit to hear both sides equally; whether, though in civil cases, where only property was at issue, both sides should be equally heard, there ought not to be a difference where liberty and life were at stake?—whether it might not be the best way of dealing with all prisoners who could not defend themselves, being 999 out of every thousand, to condemn them unheard? He was glad the *rt. hon. Sec.* (Peel) had disposed of the discreditable argument about the consumption of time by the addresses of the counsel. What! could the country find time enough to accuse the prisoner, time enough to convict him, time enough to inflict the punishment



of death upon him, and could not find time to hear the reasons for his acquittal? The right hon. Secretary had dealt with that argument in his usual manly tone, and he believed it would have no more effect on the house than he was sure it would have with the judges of the land, who would not grudge their time for the justice of their country. He trusted the house would decide on no arguments drawn from personal convenience, but on those grounds of reason and justice, which prescribed that we should give to the accused the same chances and means with his accuser (cheering).

Mr. Tindal thought this measure, instead of producing benefit, would be the cause of much mischief to the administration of justice. At present, the prisoner had a right to the aid of counsel in arguing any question of law which might arise, as also in the cross-examining witnesses and marshalling his own evidence; all which was refused was, a right for his counsel to address the jury in like manner as the counsel for the prosecution. But the speech which the counsel for the prosecution was in the habit of addressing to the jury, was nothing more than a plain statement of facts: if any thing more were to be attempted, if there were any endeavour to affect the passions or mislead the judgment, it would instantly be put down by the judge. The proposed alteration of allowing counsel to address the jury for the prisoner in all criminal cases, as they at present had a right to do in civil cases, and in trials for treason or misdemeanor, would have the effect of completely changing the character of the counsel for the prosecution, and making him a party advocate. As prosecutions were now conducted, a counsel would never think of attempting to keep back any witness mentioned in his brief, on the ground that he thought his evidence would make in favour of the prisoner; but let this counsel be opposed by another of equal experience to himself, and you would immediately create in his mind a desire to overcome his opponent, which would probably prevent his acting in so candid and liberal a way towards the prisoner. Another disadvantage to the prisoner would be, that if his counsel were to have the privilege of addressing the jury, the prosecutor's counsel must have that of replying. At present the counsel employed in the conducting of prosecutions were generally the younger members of the profession; but if this measure should pass into a law, prosecutors would begin to retain advocates of the greatest experience, who could not be retained by prisoners except at a ruinous expense: so that a prisoner would lose infinitely more than he would gain. With respect to the judge, it might very probably happen in several cases, that he might, from physical causes, be unable to do away with the effect which an eloquent address from the prosecutor's counsel might have made on the minds of the jury. As to its being an anomaly to refer counsel in cases of felony and allow them in cases of treason and misdemeanor, he hoped the house would not be misled by such an argument: the unanimity required at the hands of an inexperienced jury, and the appeal from judges learned in the law to the House of Lords, were also anomalies, but anomalies attended with the greatest benefit to the community. He knew that in theory this measure was very plausible, but we should consider how it was likely to operate in practice. As an authority

in favour of his view of this question, he would refer to the work of a very able and ingenious person of great experience in the French law, who had accurately examined into the forms of our civil and criminal proceedings—he meant Monsieur Cottu, and who highly approved of the manner in which our criminal trials were conducted. It had been said by the advocates for this measure, that our criminal proceedings should be assimilated to our civil ones; but in civil cases the law and the fact were much more complicated than they were in criminal ones; besides, if a jury had been induced by the eloquent address of a counsel to give in an erroneous verdict, the matter might be rectified by granting a new trial, which was never granted in the case of felony. He trusted the house would pause before it gave its sanction to this measure, which would have the effect of totally altering the tone, character, and temper of the administration of criminal justice in this country.

Lord Althorpe's principal reason for objecting to the present system was that it gave so great an advantage to an educated prisoner over one who was uneducated.

Mr. Scarlett had formerly entertained an opinion on the subject of the bill different from his present opinion; he was now disposed to vote with his learned friend. The reasons for this change of his opinion were founded not in theory, but in practice. It had been stated by his learned friend, that, in the present practice, there was an absence of all prejudice and passion: there were no conflicting passions of counsel; and that the whole trial was conducted with a strict regard to discover truth. But, to discover truth was also the object of civil suits; and if it were found in such suits, that it was advisable to have counsel on each side, would not the same object be obtained by the same means in criminal cases? Some learned gents, indeed, drew a distinction, and seemed to imagine it was the better mode in criminal trials to have advocates pleading only on one side. If this were the way to come at truth in criminal cases, it must also be the way in civil suits, and thus the argument of those learned gents fell to the ground by the *reductio ad absurdum*. Unless they were prepared to contend, that, to have advocates on one side, in all cases, was the best mode of discovering truth, they must give it up in criminal cases. He believed that, in the great majority of cases, he might say 19 out of 100, owing to the strict investigation cases underwent before prisoners were sent to trial, they were really guilty. In such cases the counsel for the prisoner would see that he had no defence to make, and would proceed no further with the trial. This was now done in civil suits, and were there advocates on both sides, it would also be done in criminal cases. Prosecutors had not stronger feelings than plaintiffs, and, in general, were less zealous in pursuing an offender than a party to a civil suit. He thought, therefore, that there could be no fear of passion mastering the advocates in criminal prosecution. It was in cases founded on circumstantial evidence, that counsel for the prisoners were most required. He had himself often seen persons he thought innocent victim, and the guilty escape, for want of some acute and intelligent counsel to shew bearings of the different circumstances, conduct and situation of the prisoner. It is a natural disposition of the mind, that if a



receive, with a readiness to believe, the well-connected chain of facts that was brought before it, and afterwards felt a disposition to explain the facts offered in defence, so as to show the consistency of the first statement. The same was the case in civil suits. The cases were few, in which counsel could be of important benefit to the prisoner; but in such cases they were of great importance. Every body was aware of the importance of having the last word; it was always of great advantage, and this advantage would, in the alteration proposed, belong to the prosecutor. And one of the things most to be desired in this country was, that the guilty should be more certainly convicted. The great number of acquittals was one of the greatest defects of our law; and in his opinion, it would be better that a greater proportion of the accused should be convicted than at present. This was frequently caused by the prosecutor's feelings for the unprotected state of the criminal, from which he allowed him to escape. Another cause of this also was the disproportion of punishment to crime; and if that were removed, as he believed the right hon. Sec. opposite intended to remove it, the motives for prosecutors abstaining from prosecution would be done away, and one great argument against employing counsel for prisoners would fall to the ground. One objection was, that giving counsel to prisoners would waste time. He did not believe this. At present the counsel made the defence of the accused by cross-examining the witnesses, and the judge allowed greater latitude in such a cross-examination than he would if the prisoner's counsel could speak in his defence. If the counsel had the privilege of speaking, he would not waste the time of the court in cross-examinations. They would, in many cases, when they saw they could make no defence, allow a conviction. He had a great many doubts on the whole question; and if the question now were to make a law, he should hesitate very much; but as it was only to bring in a measure which would enable them to consider the matter further, he should cordially concur with his learned friend.

The *Solicitor-General*, after pointing out the conflicting effects of the opinions given by the advocates for this bill, as to whether it would tend more to acquit the innocent or convict the guilty, observed that no alteration had been called for by the public or by the committees which had reported on the state of the criminal law.

Mr. *Brougham* formerly had an impression similar to that of the learned gents. opposite, but after the fullest consideration, he had decided in favour of the bill. The *rt. hon. Sec. (Peel)* said that, notwithstanding the opportunities he had of hearing complaints from prisoners, he had never heard of a complaint on this ground. Of course the complaints urged were confined to the existing system, such as that their counsel had not called certain witnesses, or that facts which made an impression on the jury had not been explained. This argument, therefore, went for nothing. There was no man who visited our criminal courts, who did not see the fearful odds against a prisoner; a counsel speaking against him; none who could speak for him; and who could only be a fact by that side-wind procedure, which had been so ably described by his learned friend. Even if the people were sa-

tisfied, an important subject of consideration remained—ought they to be satisfied? With respect to the objection that the alteration introduced by this bill would lead to wrangling amongst the counsel, and to scenes unsuited to a court of criminal law, he would reply, that under the present system, there were collisions in cross-examination, and objections urged, which would never have existed had the counsel a more legitimate course of proceeding in behalf of their clients. Objections were now made, and points of law raised, which were never intended for the judge to whom they were ostensibly addressed, but to the jury, whom the counsel had not the liberty to address directly. This practice produced a waste of time as well as temper; it was neither conducive to the interests of the prisoner, nor to the great end of public justice, which was not to increase or diminish the number of convictions, but that all persons put upon trial should, if not guilty, be acquitted (hear). Our laws were too severe, and thereby those who merited some punishment frequently escaped without any. In conformity with this, was the practice in administering those laws. A prisoner was placed upon his trial, with a leaning in one direction, because the law or the practice leaned in another. It was said that counsel did not press severely upon a prisoner; but this depended upon the temper and the judgment of the counsel and of the judge who happened to preside. It was one of the grounds of complaint formerly urged by a learned friend of his (*Sir S. Romilly*) that so long as the law left so wide a discretion, it depended upon what particular judge went a circuit—whether one view or another would be taken, and whether there would be a greater or less chance of escape. There was a most important fallacy lurking in the argument respecting the speeches of the opening counsel. The learned Attorney-General said, that the opening was a calm, dispassionate statement of facts. Let it be so. But the cases where counsel were most necessary to a prisoner were those where the evidence was circumstantial; and could any thing be harder than for a prisoner's counsel in such cases to be tied up (not from employing adjurations and obtestations of heaven and earth, as represented by *M. Cottu* to be heard in foreign courts), but from saying a word in explanation? Suppose the counsel did confine himself to a dry statement of facts, no case could be harder than for the whole web to be, as it were, united together by the juxtaposition of all the circumstances, so as to make up such a picture of the prisoner's guilt as that a man could not rid his mind of it, and fancied he saw the prisoner committing the fact; so that it would require the most acute and skilful counsel to counteract its effect. As to the only other topic, the waste of time which the alteration would occasion, he doubted whether there would be any greater consumption of time in criminal trials than at present; but if there were, it was the duty of the legislature to see that time was given; and if the number of judges were too small, and the wizes too rare, they should be increased. Upon the whole, he was of opinion that the bill ought to be suffered at all events to be introduced.

Mr. *Canning* had attended carefully to the arguments on this subject throughout the two debates it had produced. If the learned gent. who had just sat down, and his learned friend (*Mr. Scarlett*), after deep consideration, had



only got so far as to have those doubts, in some degree, removed, it might be permitted to him (Mr. Canning) an unlearned man, who could have no prejudices, except in favour of the existing institutions of the country, to allow that his doubts had not been removed. Such a bill as this, in the state of doubt in which he was, it became his duty at present to oppose. The arguments in favour of a change did not preponderate over those on the other side; on the contrary, the weight of argument was against the change; but even if they were equal, the present system ought to remain unchanged until there was a preponderance. He (Mr. Canning) had not met with any objection to the present practice out of the house; an apprehension of the effects of a change seemed to prevail more than a desire for the change. Whether the measure would increase or diminish the number of convictions was not the true object of inquiry, which was this—how far the amount of certainty and confidence as to decisions being correct would be increased? He thought the proportion which acquittals bore to trials afforded a pretty fair conclusion, that on the whole the present practice was not unfavourable to prisoners. The argument that weighed most on his mind was, that the change might produce a contentious tone of conducting criminal trials. That consideration should not, however, stand in the way, if he thought any injustice had been made out; but he could not admit that the proportion was in favour of justice, but rather the other way. Upon the whole, he did not think there was a belief throughout the country that justice was not properly administered; and he thought it was safer to let the existing practice remain till the change was more decidedly sought for than at present.

Mr. Denman admitted that the cases were very common, in which there was no counsel for the prosecution, while the prisoner had counsel to examine witnesses. But he still thought that the proposed alteration would be beneficial; and he was glad to have two such converts to his opinion, as the learned gents. below him (Messrs. Scarlett and Brougham). It had been his lot lately to try two prisoners who were deaf and dumb, and who could only be made to understand what was passing, by the signs of their friends. The cases were clear and simple; but if they had been circumstantial cases, in what a situation would the judge and jury be placed, when the prisoner could have no counsel to plead for him? So in the cases of foreigners who could not speak for themselves, and in whose cases the court was obliged to have recourse to interpreters; what a relief would it be to the judge and jury if they could be defended by counsel! With respect to the remark that the change would introduce a contentious mode of conducting criminal trials, he had only to observe, that it was by such contention and collision that truth was elicited. The dictum of Lord Coke had been referred to on this subject—that the case against a prisoner ought to be so clear before conviction, that no counsel could withstand it. This dictum had been adopted by Lord Chancellor Nottingham; and yet it was the unhappy lot of that judge to pass sentence of death upon a Peer, who could never have been found guilty if he had been allowed counsel to plead for him. Nothing could be so clear as that, if Lord Stafford had been assisted in his defence by

counsel, no court—not even the House of Lords, constituted as it was in those days—could have refused to acquit him. It was objected to the motion, that there was no public dissatisfaction as to the existing practice; but no objection could be more untenable. The object of the present motion was to prevent any dissatisfaction in future, by removing the grounds on which it would sooner or later arise. The house was called upon to interpose on principle, when there was no clamour, in order that it might not be obliged to legislate at some other time in haste, and under the excitement of popular feeling. It was his duty to preside at the trial of perhaps more criminals than came for judgment before any other magistrate in this country; and from his own experience, he declared, that he felt the want of the aid of counsel in the elucidation of truth. Nobody could more desire than he, for the sake of justice, that both parties should be placed on equal terms. All the defects of the present mode of conducting criminal trials resulted from the denial of the full benefit of counsel to the prisoner. The tedious length of cross-examinations would be unknown, if the prisoner's counsel had the right of commenting upon the evidence. He would naturally prefer the clearest and most direct way of arriving at his point; but at present he was driven to have recourse to artifice and subterfuge. Hence arose the multitude of groundless insinuations, and the necessity of those false points, to which his learned friend (Mr. Scarlett) had alluded. The judge, in almost every trial of interest, was engaged in half a dozen contests, that would never take place if the prisoner's counsel were entitled to address the jury. As to the contradictory objections that, in that case, on the one hand, there would be more convictions—and, on the other, that there would be more acquittals—he believed that the consequence would be, that there would be more convictions of guilty persons, and greater security to the innocent. Formerly, prisoners were not allowed to have their witnesses sworn; and they were denied counsel even to cross-examine the witnesses against them. An act of parliament put an end to the former grievance; and the latter had been gradually removed by the connivance of the courts. He knew of no law or authority that would forbid a judge, at the present time, from allowing counsel to address the jury, if, at the close of a long and complex investigation of evidence, he thought fit to assert the right. If it were done in one instance, the practice would be established, and could not be denied in any other. Supposing such a case to have happened, would any member of that house attempt to deprive the prisoner of his newly-acquired advantage? Certainly not. Why then should it now be withheld from him?

Mr. Lamb having briefly replied, the house divided, when there appeared—

For the motion, 36—Against it, 105—Majority, 69.

### *Bills to prevent Cruelty to Animals.*

TUESDAY, FEB. 21.—Mr. Martin rose to introduce a bill for the more effectual prevention of bear-baiting, dog-fighting, and other cruel sports. It was, he observed, so very unusual to oppose a bill on the motion for its introduction, that he felt it incumbent on him not to take up



much of the time of the house. He would therefore reserve himself to answer any arguments by which his application might be opposed. The bill for which he should move had this recommendation to the representatives of the people,—that it was generally approved by their constituents throughout the country. He held in his hand a list of 52 petitions, presented from some of the most opulent and populous cities and towns of the kingdom, praying that an end might be put to these cruel sports. These disgraceful scenes were carried on in places called pits, and in no places were they more cruel and disgusting than in that called the patrician-pit in the neighbourhood of that house. It had become the duty of parliament to put an end to these enormities. He would not now occupy the attention of the house further, but would conclude by moving for leave to bring in his bill.

On the question being put,

The *Attorney-General* said, the merits of this case had been so frequently discussed, that he felt it would not be necessary to make any further comments upon it: he would therefore confine himself to stating, that he would oppose the bill. (Cries of question, question; in the midst of which)—

Mr. *Martin* again rose and said, he could hardly persuade himself that a case which had come to the house recommended by the inhabitants of 52 respectable places, should have been met by a simple negative and the cries of "question, question." The hon. members who raised those cries could not, surely, be aware of so many petitions being before them on the subject, otherwise they would not have thought it decent to limit the expression of their opinions to that brief negative. He could assure the learned gent. that he would not recommend himself to that body (the University of Cambridge) whom he wished to represent, by opposing the present motion, for there was no Christian minister who would countenance those brutal exhibitions: both the clergy of the protestant church, and the dissenting ministers, were unanimous in a wish to have them put down: there was also a petition in progress in Westminster, and ninety-nine persons out of every hundred were desirous of signing it. He would supplicate the *Attorney-General*, if it were only out of respect for the learned body whom he wished to have for his constituents, to assign the reasons for his opposition to this motion. He (Mr. *Martin*) had received some affidavits which gave a heart-rending account of a most horrible act of atrocity which had recently been committed at a bull-bait near Oxford: after the bull had been torn and mangled by the dogs, a wretch who was a disgrace to the name of man thrust some sharp instrument into the mouth of the suffering animal, and cut out its tongue by the roots, and having placed it on a plate, carried it round amongst the assembled multitude, soliciting a collection. He could mention a hundred instances of similar acts of cruelty, of which he had been informed on most undoubted authority, but he would only trespass on the time of the house by detailing one more. A fellow matched his dog to fight with one of a much heavier weight, and after it had won, he again matched it against another dog, also much larger than itself. In this second engagement it was vanquished, upon which its brutal owner chopped off its fore legs with a bill-knife, and

having dug a hole in the ground, interred the dog alive. If the *Attorney-General* thought it right and for the good of the country that fights and atrocities of this kind should daily take place, he hoped the learned gent. would state so to the house. There was not a single magistrate in London, Westminster, or the adjacent counties, who was not desirous that these disgraceful practices should be put down. It was a matter of great concern to many of them that they had not been able to suppress the brutal contests and exhibitions which were continually taking place at the patrician-pit in Westminster. In short, he would defy any hon. gent. to deny that the whole body of the English nation were against these sports. He trusted, therefore, that the house, out of regard for the general feeling which prevailed on the subject, would not meet the motion with a mere negative.

Mr. *W. Smith* thought that the motion of the hon. member had not been received by the house with that consideration which it deserved; but this should not deter him (Mr. *Smith*) from stating his opinion on a subject which seemed to him most materially to concern the morality of the country. He conceived the motion could only be opposed on one or other of the following grounds:—first, that the facts stated by the hon. member were not true: for his own part he could not see any reason to doubt their truth—they had all of them been stated in the public newspapers, and the occurrence of them had never been denied;—secondly, that the existing laws were sufficient to put them down: but if this were so, how had it happened that they had not been suppressed? He thought the hon. member was entitled to the gratitude of the country for having brought forward this motion, and it should have his warmest support.

Col. *Wood* had last session been of opinion that the house had already gone far enough in legislating on this subject, but a most brutal occurrence which had since then taken place near Warwick (he alluded to the lion-fight which had been exhibited in that neighbourhood) had induced him to change his sentiments as to this point; he could not conceive but that the magistrates would have prevented this disgraceful exhibition if the present laws had enabled them to have done so.

Mr. *R. Colborne* did not approve of too much legislating, or of interfering with the amusements of the lower classes, while the sports of the higher orders were left untouched: he admitted that a former bill of a similar nature, which had been brought forward by the hon. member (Mr. *Martin*), had had beneficial effects; but he doubted whether even that bill would not have been a dead letter, if the hon. member had not personally exerted himself quite as much in carrying it into execution as in procuring its enactment.

Mr. *C. Wilson* said, that having witnessed the good effects of the former measure, he felt strongly disposed to hope that the measure now proposed would operate in a similar way. It had been urged against the adoption of it, that it would contract the amusements of the lower classes, but he could not conceive what amusement any human creature could derive from beholding the agony of a tortured animal. It had also been said that we ought not to legislate for brutes; but surely there was no objection to legislate for men, to prevent them from rendering themselves brutes.



Mr. *Pael* did not see how the learned Attorney-General could lower himself in the estimation of any individual or body of men whatsoever, by opposing a measure which he conceived owed its rise to mistaken notions of humanity. If this had been the first time that this matter had been proposed to the house, he should not have objected to the hon. member's having leave to bring in his bill; but the same proposition had already been so often before the house, and been so thoroughly canvassed, that it could answer no purpose to suffer it to proceed further in its present shape. The particular acts of cruelty which had been detailed to the house had caused as great a disgust in his mind as they could possibly have created in that of the hon. member himself; but he could not concur in any general enactment, unless that hon. member was prepared to explain to the house what was the general principle on which he intended to proceed. If bull-baiting and dog-fighting were to be prohibited, surely pigeon-shooting ought also to be suppressed. It would create nothing but confusion if the house were to pass acts to meet individual cases of cruelty. If some general and practicable measure were proposed for the protection of all animals, he would have no objection to go into the consideration of it; but he was afraid that if the measure now proposed should be carried, and become a part of the law of the land, that instead of affording protection to brutes, it would become an instrument of oppression to human beings. For these reasons he felt compelled to oppose the present motion.

The house then divided, when there appeared,  
Ayes, 37—Noes, 76—Majority against the motion, 39.

Mr. *Martin* then said he was going to ask leave to introduce a bill which was intended to afford the same protection to domesticated animals which was at present afforded by law to cattle. He could see no reason why a dog was not entitled to the same protection from the cruelty of man which a horse now received. Even an animal like a cat should be protected from being flayed alive, as numbers of them were often found at the present moment. They had been asked whether they ought to legislate upon individual instances of monstrous cruelty and oppression? and to that question he would give an answer, after he had told them an anecdote which he thought bore upon it. Mr. *Halls*, the magistrate at Bow-street, upon one occasion saw some wretches take a dog, flay it alive, and leave it deprived of its skin. They then put a collar round its neck, led it thereby to the river, and then threw it in. Mr. *Halls*, on seeing this act of brutality committed, was guilty of a breach of the law, of which he supposed any man of spirit would have been guilty under similar circumstances, for he threw the miscreants into the river after the dog (a laugh). Now, upon such an instance of atrocious cruelty as this he thought the house ought to legislate. One such instance he conceived to be sufficient to awaken their interest. What happened to one dog might happen to thousands. Indeed, it might happen to every dog, so long as there was no law to prevent it (a laugh). In legislating upon this subject, they were acting in conformity with the wishes of the whole British public. The bill which he now asked leave to bring in was to amend a former act of his own.

It would give the prosecutor a reasonable compensation for his loss of time in prosecuting for an offence of this nature, which he could not claim under the present act. It would also enable the magistrates to inflict a punishment more severe than an imprisonment of one month, and a fine of 2*l.* or 3*l.*, on any man who should be guilty of such an act of atrocity as tearing out the tongue of a bull and handing it about upon a plate for the purpose of collecting money. It would enable the magistrate who first took cognizance of such offence, to send it to the quarter-sessions, to be disposed of by the magistrates there, as they might deem proper. It would also remedy a defect in Sir *James Macintosh's* bill, which made it necessary to prove malice against the owner before a conviction could be obtained against any person who maimed and wounded cattle. The hon. member concluded by asking leave to bring in a bill to alter and amend the 3*d.* of Geo. IV. c. 71, entitled, "An Act to prevent the cruel and improper treatment of cattle."

Mr. *Butterworth* seconded the motion, and complained of the manner in which prize-fights brutalized the character of all who attended them; and censured severely the conduct of certain magistrates at Warwick, who (two years ago) permitted the peace-officers to be present at one of those disgusting exhibitions, in order that the people might have what they called a comfortable fight.

Mr. *Ashurst* said, that the statement of an individual having torn out the tongue of the bull and placed it upon a plate, assumed a very different aspect when it came to be substantiated before him on oath. It appeared that during the time the bull was baited, a ferocious dog, which had been tied up in a house adjoining to the spot where the baiting took place, escaped from his kennel, attacked the bull, and actually bit off a small portion of its tongue. But the witness being asked, whether he had seen the tongue put upon a plate, and carried round the meeting, said that he saw no such thing done, and did not believe that it had been done. The hon. member had asked him, whether he conceived bull-baiting to be illegal. For his own part, he must say, that he knew of no law by which bull-baiting had been prohibited; and when he knew that lands were held at Windsor, at Okeingham, and at Stamford, on condition of keeping a bull for baiting, he could not believe that it was illegal. No person who knew him could charge him with being guilty of giving encouragement to the practice; but he did not believe it to be prohibited by any law at present in existence.

Mr. *Martin* said, that he had an opinion of the Attorney-General, which he would get published, declaring the illegality of bull-baiting.

The Attorney-General did not rise to object to the motion of the hon. member. If he thought that his former bill wanted amendment, it was only fair that he should have an opportunity of amending it. But he (the Attorney-General) was of opinion that the offence of bull-baiting was punishable by the existing law; as was also prize-fighting. He conceived that the recent assembly at Warwick to bait a lion was a riotous and illegal assembly, and as such it might have been dispersed by the magistracy. To those persons who did not know him he would say, that he was the last person in the world who would become an advocate for cruelty; and that he



opposed these motions, not because he loved cruelty, but because they would not answer the objects which the hon. member (Mr. Martin) had in view; because they would give rise to numberless petty vexations; and lastly, because he did not know where the house would stop, if it once began to legislate, not with regard to the security of property, but with regard to the feelings of the animal. His hon. friend ought not to introduce his measures in detail, but should introduce them upon some general principle, which could be fairly discussed and decided on by the house. His hon. friend, on each of his motions, brought forward instances of cruelty which he believed to be true, but which generally turned out to be either false or greatly exaggerated, as had been the case to-night with regard to the tearing out of the bull's tongue. Nothing could be so unsafe as to legislate upon the statement of one or two particular facts, and not upon some great and general principle.

Leave was then given to bring in the bill.

THURSDAY, MARCH 16.—Mr. Martin moved the second reading of the Cruel Treatment of Cattle bill.

The Solicitor-General objected to the bill, as being too general and indefinite in its enactments.

Mr. Martin thought he should have great reason to complain of the Attorney-General, if he either opposed or sanctioned any opposition to the present bill; for this bill was in substance a copy of one which on a former occasion had been corrected and approved of by that learned gent.; at least it only differed from it in the following particulars, that the words "dog, and other domesticated animals," which were not in the former bill, had been introduced into the present, as also a proviso which had been added in consequence of an objection which had been raised against the former bill in the House of Lords, that without such proviso it might have the effect of repealing a very beneficial enactment, called Sir James Macintosh's act, for preventing the ill-treating of cattle.

Mr. Alderman Wood said, he could not support the present bill; and he thought he had good reason to complain of the hon. member for having deserted his post the other evening when the flogging of men was under discussion: he trusted that when that question should next come on to be agitated, the hon. member would consider it his duty to favour the house with his attendance, and that he would not, in the meantime, expend all his sympathy upon dogs and cats, but that he would reserve some small portion of it, at least, for his own species.

Mr. G. Lamb did not particularly object to the introduction of the word "dog," but he considered the whole bill exceptionable; and he thought the hon. member would have advanced his object much more, if he had supported the bill by arguing it on the merits, instead of entering so much into detail as to conversations which had passed between himself and the Attorney-General respecting it.

Mr. Trant moved an amendment, that the bill be read a second time this day six months.

Mr. Warre thought that the hon. member had already brought about sufficient legislation on this subject, and that it was not politic in him to press this measure any further.

Mr. Martin, in reply, said that he thought if it was merely on account of the introduction of the word dog, that most faithful of animals, this bill deserved to be permitted to go into a committee. The hon. member then recapitulated his former statements as to the cruelties which had been practised upon this animal; after which, Mr. Trant's amendment was put and agreed to, and so the bill was thrown out.

THURSDAY, APRIL 20.—Mr. Martin moved for leave to bring in a bill to prevent the cruel and improper treatment of dogs.

Sir M. W. Ridley remarked, that the house had on a former occasion rejected a bill for protecting domesticated animals, in which, of course, dogs were included.

Mr. Hume hoped that the bill would include cats (a loud laugh),—animals which were worried by dogs, whereas dogs were generally well used. Wherever a poor cat was seen, it was sure to be worried. The house, by admitting this bill for the protection of dogs, without including cats, would act inconsistently; and by admitting it at all, they would turn legislation into ridicule (hear, hear). He would submit it to the house, whether it should not endeavour to preserve itself from the ridicule which these legislative measures would cast upon it (hear).

Mr. Martin thought this opposition of the hon. member strange, as he had promised the motion his support.

Mr. Hume:—"Not to my knowledge."

Mr. Martin:—"Then you did it without your knowledge" (a laugh).

Mr. Peel opposed the motion. The partial efforts of the hon. member defeated the laudable object he had in view, by the ridicule which they entailed upon it. Whilst the legislature was clearing the statute-book of the load of acts with which it was incumbered, the house would be weaving the web of Penelope, if they increased as fast as they diminished the statutes.

Mr. W. Smith opposed the motion, though he thought it desirable that acts of cruelty should be punished as misdemeanors.

Mr. Martin defended the motion and himself against the ridicule which had been directed against both. The hon. member mentioned various instances of consummate cruelty practised on cats as well as dogs. He referred to the case of a person who thought the under-jaw of his dog too long, and sawed off two or three inches of it. It was shocking to think that our criminal law punished a man for destroying an ash-tree, and yet gave impunity to such an act as this. Hundreds of instances might be mentioned of cruelty towards cats. It was well known that they were flayed alive, because the fur was found to be more valuable when taken from the living animal, and they stripped better.

Mr. Benett expressed himself favourable to the motion.

Sir Francis Burdett thought that such acts as had been described must be cognizable at common law, as offences; in legal language, *contra bonos mores*. It would be better, in his opinion, that the hon. member should be allowed to introduce his bill, and point out to the house the remedies which he conceived would obviate the shocking practices referred to. Although it



might not be practicable to put an end to those practices, the house ought to sanction the principle of legislating for that object.

Sir T. D. Acland observed that the hon. mover had produced two instances of cruelty towards dogs, and said he could produce hundreds of cases of cruelty towards cats; yet the former he protected and the latter he left without protection. He recommended the hon. member to withdraw his motion.

Mr. Martin expressed his readiness to withdraw the present bill; but stated that he would on a future day introduce another measure of a more comprehensive nature.

Mr. Peel observed, that while he felt as much as any man the justice of the principle on which his hon. friend (Mr. Martin) proceeded, yet he much approved of his desire to withdraw this bill. Still, however, he must guard himself from being supposed, from the course which he took on this occasion, to say one word in favour of the more extensive measure of which his hon. friend had given notice; and of which he could, of course, know nothing.

The bill was then withdrawn.

### Game Laws.

THURSDAY, APRIL 20.—Mr. Blackburn presented a petition from the sheriff and grand jury of the county palatine of Lancaster, praying the house to consider the present state of the game laws.

Lord Stanley bore testimony to the respectability of the persons by whom the petition was signed. It was carried unanimously, and he felt the justice of the principles laid down in it. He wished, to use the words of the petitioners, "that some system may be established which, while it was calculated to meet the present state of society, would effect a just protection to the rights of individuals" (hear, hear).

Mr. Stanley deplored the mischief which arose from the state in which the law had so long remained. It gave rise to open violence and hostility between the poachers and those employed to protect the game. In Lancashire it not unfrequently happened that 30 or 40 commenced firing on each other, and did not cease till their ammunition was spent. Individuals were taken, wounded, and frequently dying, to the hospitals, and others who were killed were buried privately, to guard against inquiry. In considering this question, it ought to be recollected that a large and wealthy interest had grown up in the country, that must and would be supplied with game, and there was a labouring population that would not shrink from procuring it for the least possible reward. He had known instances where individuals, without getting any share of the spoil, went out poaching at 4½d. per night. It could not be supposed that gentlemen could go on preserving their game satisfactorily to their own consciences, if they thereby upheld such a system. He hoped the hon. member (Mr. S. Wortley) would not be deterred, in consequence of his former ill-success, from making fresh endeavours to alter the law so as to make it meet the increasing wealth of the country, as well as the liberal feelings which were every day gaining ground.

Mr. S. Wortley expressed his determination to persevere: every hour proved to him more and more the necessity of altering the game laws.

Lord Milton was convinced, that so long as the present feeling of the public and of parliament continued to exist, nothing would repress poaching. The vulgar estimation of the goodness of game as an article of food, lay in the laws, which constituted the taking and killing it a privilege of the upper classes. Let them abolish the laws which gave value to that privilege, and they would remove the chief cause of poaching.

The petition was ordered to be printed.

### Spring Guns' Bill.

THURSDAY, APRIL 27.—Mr. Tennyson moved the third reading of the Spring-Guns' bill.

Sir George Chetwynd was opposed to the present bill as too severe.

Mr. Ridley Colborne concurred in the opposition to this measure.

Mr. Peel concurred in the measure.—If a spring-gun was to be defended as a punishment for a trespass, a man might also defend the springing of a mine, by which a whole gang of poachers might be destroyed at once. He could not approve the power of punishing with death a trespass of which, even if a man were convicted, would only bring upon him a punishment of three months' imprisonment. If persons were anxious to preserve game, let them keep a force sufficient for that purpose. He was a game preserver, and he always kept a sufficient number of persons for that object. At the same time he would wish to make a distinction between spring-guns set for the preservation of game, and for that of walled gardens. In the case of game, a man might be only a trespasser, but in the other a man might enter with the intention of committing a felony. He could wish that the bill had made an exception in favour of gardens, on which in many cases a man's whole subsistence depended.

Mr. W. Horton would have no objection to the bill if it were to last for only one year, by which time he hoped that some law would be passed for legalizing the sale of game; but he did not, without such a measure as that, wish to see this bill made permanent.

Mr. Goulburn said that he would support the bill, if it embraced the amendment of last year,—that the prohibition of the use of spring-guns should be limited to woods, underwoods, or open fields.

Mr. J. Smith was in favour of the bill. He, for one, would wish to see the experiment made by an hon. friend of his (the member for Lewes) more generally adopted. It was that of behaving so kindly to his poor neighbours as to put an end to the necessity of poaching on their part.

The house then divided, when the numbers were—

For the bill, 24—Against it, 25—Majority, 1.

### CHURCH ESTABLISHMENT.

#### *Protestants in Catholic Countries.*

FRIDAY, MAY 19.—Sir R. Inglis, without any prefatory remarks, moved "that an humble address be presented to his Majesty, praying that he will be pleased to give directions to British Consuls in Catholic countries to send the Secretary of State for Foreign Affairs such information as they might be able to obtain respecting the exercise of the Protestant religion in Catholic countries, and particularly



respecting the right of sepulture of Protestants in Catholic countries, as it may be secured to them by law, or permitted by custom."

Mr. *Canning* thought that the hon. bart. should have given notice of his intention to make such a motion. If such a return should be ordered, he should feel it necessary to move for a similar return of the rights enjoyed by Catholics in Protestant countries under similar circumstances.

Sir *R. Inglis* observed, that he did not conceive that any objection could have been made to this proposition, as it was only a sequel to several motions made ten or twelve years ago for the obtaining of information relative to the Catholic religion.

Mr. *Canning* again submitted to the hon. bart., that this was a motion which required consideration, and suggested to him to postpone it till Friday next. Such a measure would prevent the house from being taken by surprise, on a motion which appeared to be of some importance.

Mr. *Denman* said, that the motion which the hon. bart. had so unexpectedly brought forward, was one of a novel and unprecedented description. It was a motion which called upon our different consuls to exercise duties which had never been supposed to belong to their office, and which, if they did exercise, would give them a claim to additional emoluments from the country. From the extensive nature of the inquiry which the hon. bart. proposed to institute, it was evident that they must peruse an enormous mass of legal documents, and must wade through a great quantity of historical evidence, for which their previous habits might not have altogether perfectly qualified them. Besides, the information which the hon. bart. wanted would, if obtained, only tend to raise a clamour in the country upon an argument which was fallacious in itself, and which had never yet been incorporated with the discussion on the Catholic question. If the motion were good for any thing, it could only be for advocating some reciprocity of measures from the English government to its Catholic subjects, founded on the measures adopted by foreign Catholic governments to their Protestant subjects. Now if the conduct of Roman Catholic governments had been most execrable in this respect, it was only a stronger argument for an enlightened government like that of England giving to its Catholic subjects those privileges which had been withheld by the gloated bigotry of less intelligent governments. He hoped that the rt. hon. gent. would pause before he gave his high sanction to this motion; at any rate he hoped that the House of Commons would pause before it allowed the policy of England to take its colour from that of bigotted, intolerant, and unenlightened Catholic countries (loud cheering).—countries which we had hitherto outstripped in the race of intellectual glory and happiness, and which we had never followed in that career of intolerance which had been the curse of the world in all ages (cheers).

The motion was then withdrawn.

### *Protestant Dissenters.*

THURSDAY, MAY 18.—Lord *J. Russell* presented a petition from several Protestant Dissenters residing in London and Westminster and their vicinity, praying that they might be

See. 1826.

relieved from the disabilities under which they at present laboured in consequence of their religious opinions.

Mr. *William Smith* rose, not to argue the case of the petitioners, but to call the attention of the house to them and to their grievance. The parties were the old Protestant Dissenters of this country, of the three well known denominations of Presbyterians, Independents, and Baptists, well deserving men, whom he considered as more unjustly and injuriously treated than any other class of British subjects. For any supposed, or, if it were so, real fault, of any of their ancestors, 300 years ago, it would be as unjust to punish them now, as it would be to lay to the charge of the present liberal and revered metropolitan the hateful cruelty and bigotry of Laud, or the absurd violence and folly of Sacheverel. The Dissenters had lain for a century and a half under the ban of the legislature—bidden to hold any office civil or military—condemned to endure degradation from their just rank in society, and placed on the same level with criminals convicted of infamous crimes, for no other reason but their differing from the Established Church of the country, not on points of moral principle or conduct, but of religious discipline and theological mystery. They were not ambitious of such company, and desired not to be confounded with such miscreants, either in accusation or punishment. And their case was the harder, because they brought this evil upon themselves by voluntarily, and it was then thought patriotically, consenting to the bill, which, not levelled against them, imposed those disabilities on the Catholics at a moment when the fear of a Popish successor to the throne had filled the country with a panic terror. Their patriotism then induced them to permit themselves, without objection, to be included in the proscription, from which they had never since been able to get free, though their loyalty and attachment to the constitutional liberties and Government of England had been repeatedly acknowledged by the best monarchs who had since filled the British throne, and they were thus still unjustly suffering the penalty of a zeal laudable but imprudent, from which a little more worldly wisdom would have saved them. In the reign of Geo. II., about 90 years ago, they attempted to obtain relief, and were flattered with good words and hopes; but their prayer was at last rejected. Fifty years after, in 1788, they made other attempts; and again and again were cajoled and repulsed. Since which time they had lain by watching for a fair opportunity to repeat their reasonable request. For several years past, during the agitation of the Catholic question, they abstained from coming forward, preferring to wait the effects of increasing liberality of opinions. During the present session they had once intended to procure a motion to be made in their favour in parliament, but the circumstances of the times seemed to afford so many topics of embarrassment, that they determined to waive it, and to content themselves with presenting a memorial and petition in which their grievances were stated, their pretensions were preferred and argued, in the hope that when their case thus came to be set before the eyes of those to whom hereafter they meant to apply for relief, it would challenge their consideration; that gentlemen would examine and weigh the arguments adduced in its support; and unless they felt



themselves able to refute them, would not again refuse to grant that reasonable and complete relief which they earnestly but respectfully requested.

The petition was then read, and ordered to be printed.

### *Prosecutions for Blasphemy.*

MONDAY, APRIL 17.—Mr. *Hume* presented a petition signed by 200 or 300 individuals, who thought it a great reflection upon the Christian religion that so many prosecutions should have been instituted in this country for the alleged offence of blasphemy, &c., but which were, in point of fact, directed against the right of private judgment. He concurred in the opinion of the petitioners, that no man ought to be imprisoned for holding a religious opinion which happened to be different from his neighbours; and it was certainly a reflection on the present enlightened age, that people should be cast into prison for three, four, and five years, for no other crime than that of thinking as they pleased upon speculative subjects. He was glad to find, indeed, that the present sec. of state for the home department did not, like some of his predecessors, encourage these prosecutions; still it was singular, that when on a late occasion he had ordered the liberation of Mr. *Carile*, he had not also set at liberty a number of other persons who were incarcerated for offences of the same nature. Were these matters left to their own operation, without the notoriety of state trials, they would soon become things of utter indifference.

Mr. *Peel* said that there was a great distinction between *Carile's* case and that of the others to whom the hon. member alluded, and who were confined for certain definite periods. The additional confinement which had been endured by the individual just named, was by way of commutation for his fine and sureties.

Mr. *Serjeant Onslow* denied that these prosecutions interfered with the right of private judgment, unless, indeed, that could be called such which struck at the root of all morality and true religion. It was an abuse of terms to designate blasphemy and impiety as connected with the just right of free opinion in a well regulated state (hear).

The petition was then laid on the table.

### *St. Olave's, Hart-Street, Tithes Bill.*

TUESDAY, APRIL 25.—Mr. *Calcraft* presented a petition from the churchwarden and inhabitants of *St. Olave's*, stating that the differences respecting tithes in that parish were as yet unadjusted; that an offer had been made by the parish which had been rejected by the rector; that the whole parish contained only 175 houses; and that, chiefly owing to the differences which unhappily existed between the rector and the parishioners, the church was very thinly attended. The tithes which formerly were sixpence in the pound had been first raised to a shilling, and now to two and ninepence, by which the rector had increased his income 1800l. a year, a sum nearly equal to what the whole parish paid for King's taxes. The petition, in concluding, prayed that the House would be graciously pleased to take the premises in-

to its consideration, and afford such relief to the petitioners as should be deemed fit.

Mr. *Hume* had no hesitation in saying, that proceedings such as these were a reproach to the heads of the church, without whose sanction they could not be continued. In the present instance there was every likelihood of a satisfactory arrangement being completed between the parties, and were it not for the Bishop of London an amicable settlement would have taken place between the rector and the parishioners. That prelate thought, however, fit to interpose; he would not consent to an adjustment, and the consequence was that none could be effected. Such conduct on the part of a bishop, whose duty it was to be a peace-maker whenever he found it necessary to interpose, merited the severest reproach. In this instance he had laid aside his sacred calling, and was rather a fire-brand (murmurs) than a peace-maker—a promoter of discord, than a minister of the gospel (loud murmurs). He (Mr. *Hume*) did not intend to enter into the merits of the question between the petitioners and the rector; but he thought it most unjust that one parish should be taxed at such a high rate, whilst others of greater size were much less heavily burdened.

Mr. *C. W. Wynn* said, that without offering any remark on the present petition, he could not resist the inclination which he felt to rise up and protest against the unjustifiable attack of the hon. member (Mr. *Hume*) on the conduct of the rt. rev. prelate whose name had been introduced on the present occasion (hear, hear). The hon. member asked why had that rt. rev. prelate interfered in an arrangement between the rector and the parishioners? In doing so, the Bishop of London had only consulted the interest of the church of which he was one of the heads, to prevent an arrangement, the benefits of which would not be extended to the incumbent who might succeed the present. The Bishop of London had not appointed the present rector, and therefore he could not have acted from any personal or partial feeling in pursuing the course which he had taken (hear, hear).

Mr. *Calcraft* said that before the petition was ordered to be printed, he begged leave to say that so far from any blame being attached to the Bishop of London, he thought that he had done as much to reconcile parties, as he could have effected, considering the station which he filled (hear, hear, from the ministerial benches).

Mr. *Peel* expressed his regret that he was not in the house when the hon. member (Mr. *Hume*) made use of such unwarrantable observations with regard to the venerable prelate whose name had been used in the present discussion. He should just observe, that the member who could so far commit himself as to deal forth his invectives in that unwarrantable manner against a prelate who was not more distinguished by the exalted station which he filled, than by his piety and learning, had grossly abused the privilege which he enjoyed as a member of that house. Was it, he would ask, to be tolerated—was it manly or decent to apply the term “fire-brand” to the venerable and respected Bishop of London (cheers)? Had the hon. gent. who had thought fit to use that term been in a more exalted station than that which he filled in the estimation of the house, a more serious notice should have been taken of such conduct. And what was it that called for the hon. gent.'s remark,



or how was he warranted in adopting the course which he had pursued? The Bishop of London had displayed the utmost anxiety to produce an amicable arrangement; and he had no other feeling, no other interest to advance, than that which a sense of his duty had dictated.

Mr. Hume was willing to confess that the term which he had applied to that prelate was rather stronger than he could have wished (hear, hear). But knowing the divisions with which this parish had been disturbed, and the heart-burnings caused by the litigation of the question of tithes, he had given vent, rather unguardedly, he admitted, to expressions which perhaps it were better had they not been uttered (hear, hear). The Bishop of London, however, ought not to be too hard on the parish. He ought to be satisfied with having raised the tithes from 250*l.* to nearly 2000*l.* per annum; and he again repeated that he should have consented to the proposed arrangement without offering any further hindrance to the final adjustment of the question in dispute.

The petition was then read, and ordered to be printed.

#### PUBLIC WORKS.

##### *Addition to the National Picture Gallery.*

WEDNESDAY, MARCH 22.—The Chancellor of the Exchequer, in rising to propose a vote of 9000*l.* for the purchase of three pictures to add to the National Gallery, wished to explain to the house the circumstances under which the purchase had been effected. Having heard that three paintings of some of the most renowned of the old masters were on sale, and wishing to add them to the national collection, his Majesty's Government were fortunate enough in having agreed for their purchase; and when the house was aware of their value, he was sure there could be but one opinion on the subject. One of the pictures was painted by Poussin, another by Caracci, and the third was the production of that celebrated master, Titian. The three paintings were admirable specimens of the respective masters. The picture by Caracci was admitted to be one of the best of that great master. It was a singularly beautiful painting with respect both to its design, and the exquisite felicity of its colouring. The picture by Titian had been some time in this country. Its subject was Bacchus and Ariadne, and it was confessedly the finest specimen of that great master. It was not a large picture, but its beauty was unequalled. He was quite certain that no person would grudge the sum of 9000*l.* which had been given for those pictures. Artists and persons of the first taste and judgment had concurred in praising their beauty. The late Mr. Angerstein had offered 5000*l.* for the Titian alone, so that the three pictures could not be considered dear at the price which they cost the country. They were now in the National Gallery, which was open to the inspection of the public.

The vote was carried without any further observation.

THURSDAY, MARCH 23.—On the report of the grant of 9000*l.* for the three pictures lately pur-

chased by Government, and added to the national gallery,

Mr. Hume said he was not quite satisfied as to the propriety of the present vote. He was assured that things were not altogether right with respect to this picture speculation. From what he had heard, he believed that certain individuals were implicated in palming those pictures on Government. He did not deny the utility of having a national picture gallery; but he objected to the manner in which the pictures which called for the present vote had been obtained. He wished that a report should be laid before the house, from persons who were competent to judge of the merits of those pictures, explaining the individual excellence of each.

Mr. Herries:—The pictures were purchased on the opinion of competent judges, and he believed that their excellence could not be questioned. As to the report required by the hon. gent. he did not exactly know what to say respecting it; but if the hon. member wished, he could have a return of the names of the persons on whose opinion the pictures had been purchased, and he (Mr. Herries) was quite sure that the respectability of those gentlemen would place them above suspicion. The pictures were purchased because they were esteemed excellent specimens of the art, and because they were considered cheap.

Mr. Hume wished that the persons on whose opinion the pictures had been purchased would state an opinion as to their merits. He had seen a statement in a public newspaper tending to question the competency of a certain rt. hon. gent. on whose opinion it was said the purchase had been effected, and if that statement were to be relied on, there were certainly some grounds for inquiry. If, however, the rt. hon. gent. considered otherwise, he (Mr. Hume) did not wish to press the subject any further.

WEDNESDAY, APRIL 19.—Mr. Herries brought up a copy of the Treasury minute for the purchase of the three pictures which had lately been added to the National Gallery.

Sir C. Long said, that being one of those at whose suggestion those pictures had been purchased, he thought that the public had a right to be satisfied with respect to the transaction. He confessed that he knew of no way in which purchases for the National Gallery could be so satisfactorily effected as by the recommendation of a committee of competent persons. It was under such an arrangement that those pictures had been purchased, and it was the intention of Government that no purchases should in future be made without a similar recommendation. He had received a great many letters from different individuals, inviting him to see their collections, and he had, he owned, rather unadvisedly complied with several of those invitations. The hon. member (Mr. Hume), among others, had written to him to go and see the collection of a friend of his, but having made up his mind at that time not to visit private collections for the future, he had declined the offer; but in doing so, he hoped that no want of courtesy had been shown to the hon. gent. (Mr. Hume). His only motive in declining the offer of the hon. gent. was, that he did not wish any longer to take upon himself the very thankless office of passing judgment on pictures in the possession of private individuals. It was at best an ungracious task to be obliged



to pass an opinion on works of taste in the presence of their owners. If that opinion happened not to agree with the notions which the proprietors might entertain as to their excellence, nothing was more easy than to throw out insinuations of an injurious tendency, and to complain of a want of taste and judgment; and if, on the other hand, the opinion should be favourable, the owners were too apt to go into the market, and quote that opinion, whatever weight it might possess, for the purpose of raising, perhaps, a disproportionate price. The *rt. hon. gent.* then proceeded to state, that so little inclination had been shown by Government to add to the national collection by indiscriminate purchases, that since the gallery had first been formed, only four pictures, including those three, had been purchased. It was unnecessary for him to state, that those pictures were of the first class, as the concurrent testimony of artists and men of taste had fully admitted.

*Mr. Bankes* said, that one of those pictures alone was worth the greater part of the sum which had been paid for the three.

### *Westminster Abbey.*

THURSDAY, MARCH 16.—*Mr. Hume* rose to submit a motion to the house, for information respecting the money collected for admission to see the monuments in Westminster Abbey. He was induced to do this by observing in the estimates a sum appropriated for keeping these monuments in repair. The Dean and Chapter of Westminster, as was well known to the house, charged money for admission to see the monuments, though, he was bound to say, that in consequence of the attention the subject had received, the money demanded had, within the last year, been considerably reduced. He wished, however, to know how the money collected for admission was expended? The house had voted sums of money to erect these public monuments, and it was surely right to throw them open to public inspection. The public had probably also paid the Dean and Chapter for the privilege of erecting them. The sums collected were, he understood, appropriated to pay the minor canons, and the persons who attended the visitors; but the Dean and Chapter ought to pay the salaries of these persons. Formerly, he believed, there was little or no charge for seeing these monuments, and the trifling sum, if any, was exacted, like that at St. Paul's, solely to keep away improper persons.—As a body, the Dean and Chapter did what no men, as individuals, would do. The public opinion, and the opinion of that house, had been strongly expressed on the subject, and yet they persisted in making exactions universally condemned. If neither his Majesty nor the house had any right, as had been said, to interfere with the Dean and Chapter, then it was not proper to place public monuments under the care of individuals who could not be controuled. The *hon. member* concluded by moving “for an account of the sums charged by the Dean and Chapter of Westminster to each person visiting the abbey; of the total amount of the sums thus collected for each year for the last five years; and how the same had been appropriated.”

*Mr. Peel* did not oppose the motion, as he thought it fair that the house should be in possession of the information asked for by the

*hon. member.* The *hon. member*, however, was in error, if he supposed that the Dean and Chapter of Westminster had any rights different from those of other Deans and Chapters, or that they made the public pay for the privilege of erecting monuments to eminent persons. The house, he believed, had no power to compel them to admit strangers to the abbey, which, like other abbeys, was entirely under the controul of the Dean and Chapter. The *hon. member* was also wrong in supposing that the fees for the admission of visitors were of recent origin. They had existed from very early periods, and instances might be found in the Record Office, of their being granted by patent. At present the fees were divided, he believed, among the minor canons and the choir. The amount of the income of the minor canons, who were obliged to attend about four months in the year, was about one hundred pounds per annum, and of this they drew about seventy pounds from the fees. The admission fee had been diminished, and was not at present more than was necessary to protect the monuments. The abbey was now opened three times a day to every body when divine service was performed—it was opened without any charge, at all reasonable times, to artists—and the admission fee for the public generally had been reduced from 2s. to 1s. 3d. The total amount of the emoluments would be seen when the papers were produced. During the last 25 years the Dean and Chapter had expended 38,871*l.* in repairing the abbey, being on an average upwards of 2000*l.* a year. During the last twelve years, the sum of 40,000*l.* had been applied, or more than 3300*l.* per annum. This showed that the Dean and Chapter had paid liberally for the maintenance of their magnificent abbey. They might mistake in demanding a sum for admission, but he was persuaded that they were sincere in their opinion that such a sum was necessary to secure the safety of the monuments. The sum now levied was defruct, and the guides were not allowed to make those appeals to generosity, which were often more productive than the regular fees.

*Mr. Hubbard*:—As the public paid for the monuments they had a right to see them; the better plan would be to allow them free ingress and egress, appointing a person to act as guardian of the monuments, and to take care that no injuries were done them.

*Mr. Baring* said that in ancient times cathedrals were open for the admission of all persons at all times of the day; and at present, in Catholic countries, any person who demanded it, was admitted into them without restriction. If the Dean and Chapter of this cathedral claimed the power of excluding parties, they ought to show the right on which such claim was asserted.

The motion was agreed to.

THURSDAY, APRIL 13.—*Mr. Hume* now rose for the purpose of submitting to the house a motion which arose out of the return which had been recently made. He was anxious to satisfy the house that the persons for whom the collections at Westminster Abbey were made, ought to be in possession of funds which would be more than enough to pay them, without any call upon the public. He had been informed from very good authority, that some years past



the Dean and Chapter of Westminster had appropriated to themselves certain land, which belonged of right to the minor canons and gentlemen of the choir of the abbey-church. The latter persons appointed a committee of their own body to inquire into the circumstances attending this affair: but, notwithstanding their representations, the Dean and Chapter insisted that the minor canons should owe their support principally to the collections which were made at the doors for showing the monuments. The minor canons alleged, that by virtue of a charter granted by Queen Elizabeth, sufficient funds were set apart for their maintenance; and the chief object of the present motion was to see that charter, in order that the truth of this statement might be ascertained. In order to accomplish this object effectually, it would also be necessary to have a statement of the sources from which the money received under that charter was derived. He believed, also, that sums had been bequeathed by certain individuals for payment of the minor canons, which, if they were properly applied, would prevent the necessity of any collection being made; but into this part of the subject it was not his present intention to enter. He, therefore, moved for a copy of the charter granted in the second year of the reign of Queen Elizabeth, whereby she, of her free bounty, conferred the abbey-church of Westminster on the Dean and Chapter for ever, and subjected the same to their entire and lawful management. The hon. member said there were several other motions with which he should follow this up.

On the motion being put,

Mr. Peel felt obliged to oppose it. When it was recollected that he had offered no opposition to the hon. member's former motion, he was sure the house would be convinced that he had no wish to withhold any information that might be necessary; and he could not but think that the hon. member made an ungracious return for the facility with which he had obtained the documents he before required. He now wished the house to call upon the Dean and Chapter of Westminster, to show the title by which they held property that had been for so many years in their possession. The hon. member asked also for returns of the lands, houses, &c. appropriated to the maintenance of the minor canons—for a copy of the grant of 1697 to the choir, on condition that, receiving the benefits of the exhibition of the monuments, they should keep them clean—for an account of allowances and income received by the minor canons, &c., and in whose possession are the lands, houses, &c., from which the same are derived.

Mr. Hume said, he had not made any such motions.

Mr. Peel said, the hon. gent. had proposed to follow up the present with motions to that effect; had entered them in the clerk's book, and had given no notice of his intention to withdraw them. If the hon. gent. doubted the right of the Dean and Chapter to take money for admission to those monuments, he could refuse to pay it, and on being prevented from entering the church, could try the question in any way he thought proper; but he ought not to call upon the house to make itself a party to any such dispute. The minor canons thought they were entitled to something more than the Dean and Chapter allowed them; but ought the house to enter into that quarrel? Ought

they, in the present overwhelming state of public business, to neglect that which it was their duty to dispatch, for the purpose of settling the differences between the minor canons and the Dean and Chapter of Westminster? The notice went on to call for returns of the lands and tenements in the possession of the Dean and Chapter, and the title under which they were held. It was impossible that the house could sanction such an infringement of private rights. Upon this objection, if it were the only one, he should be disposed to resist the present motion.

Mr. Hume replied: he said, that the notice in the book had been entered from an abstract which he had handed to the clerk at the table, and in which some alterations had subsequently been made. He thought that no member in that house ought to be told by another, in the presuming and improper manner which the rt. hon. gent. had adopted, that he was bound by the precise terms of that notice (cries of order).

The Speaker did not know whether the hon. gent. rose to reply, or to explain. It had been the practice in the house for a long period, not quite as a matter of right or necessity, but as one of general convenience, that notice should be given of any motions which it was intended to make. As these notices were the only means which hon. members had of learning the object of the various motions which were to be made, it was highly desirable that they should be correct. It appeared in the present instance that they had been copied from the hand-writing of the hon. gent., and if they were incorrect, who was to blame? The hon. member should not be surprised that he alluded to him in this way, when he recollected that no person in the house gave so many notices as he; nor if he (the Speaker) pointed out to him the necessity of rectifying such errors as soon as they were discovered.

Mr. Hume said, he had explained the reason why the notice did not appear correctly entered in the book—that it was taken from an abstract.

Sir J. Wrottesley had hoped that the returns moved for by his hon. friend would have been granted without hesitation. There was no ground whatever for the exactions of the Dean and Chapter of Westminster, and their practice in this respect had not even the plea of antiquity to recommend it, because it was an infringement of which many hon. gents. in the house had seen the beginning. He had been educated at Westminster school, and he knew (having passed through it hundreds of times in every year) that there was a passage from the cloisters through Poets' Corner. At the period to which he alluded the lower part of Westminster Abbey was open daily. It was true that admission might still be obtained upon payment, but it was by no means the same thing to be escorted by an impertinent and talkative verger, as it would be to spend a solitary hour there on a rainy day, contemplating the monuments of illustrious persons, and thus acquiring a knowledge of the history of the country (a laugh). To what purpose had the national money been spent, but to hand down to posterity, by means of those monuments, the achievements of the heroes to whom they were erected, and how was this purpose to be effected if the abbey was to be for ever shut up? It was stated in the returns which had been laid before the house, that divine worship was celebrated



in Westminster Abbey twice a day; this was true, but one of the periods at which service was performed was so early, that no person attended but two or three old women, in red cloaks. In the return which had been made, he found the name of a person whom he and all those who had known him, never heard without feelings of love and veneration; and he was sure that if that man could rise from the grave, nothing would give him greater pain than to see his name of Vincent coupled with the return on the table.

Mr. *H. Gurney* had no wish to trench on the rights of private property, but he considered the free ingress of the public to Westminster-abbey to be a national object, and therefore he would support the motion.

Mr. *Ashurst* did not conceive it to be at all improper that a tax should be levied upon the visitors of the Abbey, in order to keep in repair those objects of curiosity which attracted them. He thought there was no ground for the motion.

Sir *J. Newport* believed that a considerable number of the monuments which were erected in the abbey, never would have been placed there, if it had been supposed that the public would be excluded from it. The appropriation of the fees was as improper as the original exaction of them; for it appeared that they constituted a fund out of which the salaries of the minor canons were paid, which ought to be paid out of the private funds of the Dean and Chapter. The hon. member then complained of the manner in which the return which the Dean and Chapter had made to the house was drawn up. They were bound to state facts, and to reason or discuss was not respectful to the house. But these gentlemen insisted "That their founder bound them to defend their rights and privileges against all encroachments." The house was to infer, therefore, that it was an encroachment on those privileges for the house to call for a return (hear, hear)! The house was making an encroachment on the rights of the Dean and Chapter when they sought to protect the public against exactions! They were told too that the question of right might be decided in a court of law; but it should be recollected that the expense of the trial would fall on a single individual, whilst the Dean and Chapter would defend themselves with the money extorted from the public (hear, hear).

Mr. *Wynn* said, that the house had no authority to call for the documents in question. If the house should come to a vote that the custom of taking fees was improper, they had no power to order it to be discontinued. The Dean and Chapter, like other clergymen, had a right to shut their church when service was not going on. It was desirable that the house should not interfere where it had not power to enforce compliance with its wishes. The Dean and Chapter might, if they pleased, set the house at defiance. Under these circumstances, he would oppose the motion, although he deprecated the practice of exacting fees for seeing the Abbey as much as any man.

The house divided, and the numbers were,

For the motion, 56—Against it, 72—Majority, 16.

Mr. *Hume* then moved for a copy of the grant made to the choir of Westminster in 1697, on condition that they should keep the monuments always clean.

Mr. *Peel* said, he would accede to this motion, inasmuch as there was a parliamentary ground

for inquiring into the fact that a grant of the public money was made for a particular purpose. He wished it to be understood, that in all he had said, he had no desire to vindicate the practice of exacting fees for visiting the Abbey. He merely proceeded on the principle that the question of right ought to be determined without the interference of that house. He sincerely wished that every facility should be given to the public access to the Abbey, consistent with the preservation of the monuments which it contained (hear, hear). He regretted that the Dean and Chapter had considered it necessary to make such a return to the order of the house; it would have been much better for them to have confined themselves to a simple statement of facts (hear, hear).

Mr. *Canning* recommended the postponement of the motion. If it should turn out upon inquiry, that the grant emanated from the Crown, his rt. hon. friend would have no objection; on the contrary if it came from the Dean and Chapter, the motion would be objected to.

Mr. *Denman* saw no reason why the motion should be withdrawn. If the grant was from the Dean and Chapter of the choir, there was the greater ground for inquiring into the causes why the delegated trust had been neglected. It was not a consistent way of meeting such a motion as this, to say that there was a remedy in a court of law. In cases of abuse of a public trust, complainants might as well be told that they could file a bill in Chancery. The question was, whether there had not been a violation of a public trust.

Upon a division, the numbers were,

For the motion, 37—Against it, 68—Majority against the motion, 31.

Mr. *Hume* observed, that after the rejection of this motion, the Dean and Chapter might, if they chose, shut up the Abbey altogether. He would withdraw his other intended motions; but it was his intention to propose, on a future day, a motion expressive of the sense of the house on the extraordinary conduct of the Dean and Chapter.

### *Improvements at Charing-Cross and in the Strand.*

TUESDAY, MARCH 21.—Mr. *Arbutnot*, in rising to move for leave to bring in a bill for making several improvements in the neighbourhood of Charing-Cross and the Strand, said, that before he entered into any statements connected with those improvements, he felt it necessary to state, that those which he should propose would be carried into effect by the same architect (Mr. Nash) whose designs in the formation of Regent-street had received such deserved commendation from the public. It was almost impossible for him to give the house a correct detail of the proposed improvements, without maps or plans being before them, and therefore he hoped for their indulgence while he detailed as well as he could what was intended. He would propose the purchase of that tract of building lying between the Mews and St. Martin's-lane; and also the whole of that tract on the east side of St. Martin's-lane, which was bounded on the north by Chandos-street, on the south by the Strand, and which terminated in its eastern point at Castle-court, near Bedford-street. This, it would be admitted, would be a great



improvement, by opening a wide and easy communication between the west and east ends of the metropolis,—a communication which had long been wanted at that part of Westminster. Should parliament sanction these purchases, there would be formed a grand quadrangle, one side of which was already formed by the College of Physicians and the buildings in that line. The eastern part of the line would be made to correspond, so that there would be a view from Pall-mall west down to the portico of St. Martin's church. In this line it was intended to erect a gallery for the reception of the national collection of pictures and statues. This was chosen as being more central and more easy of access than the British Museum; but though it was judged proper to have these collections in a building thus remote from the British Museum, still it was thought right that this gallery should be under the guardianship of the trustees of the Museum. It had been suggested that there should be a central building as a Royal Academy, but the general opinion of those consulted seemed to be in favour of leaving an open space. He mentioned this, as the point was yet undecided, and it would be left for the consideration of the house. The south side of the quadrangle would be open to Charing-cross, giving a view of Parliament-street and Whitehall. The extent of it would be 300 feet from the statue (at Charing-cross) to the present stables. Its extent on the other sides would be made to correspond as nearly as possible. The reason why it was proposed to carry on the improvement to Bedford-street was, that the Strand up to that part should be widened from its present width 35 feet, to nearly 60 feet. The narrow passage in this part between Charing-cross and Bedford-street, was a source of great inconvenience to all persons going from the west and to the city, and in this respect he had no doubt that the new plan would meet with general approbation. At present, all the stage and mail-coaches, coming from Piccadilly, to the east end of the city, and returning from thence to the west, were obliged to come down by Charing-cross, and pass through this narrow gut, as he might call the space between the Cross and Bedford-street; so that by the crowd of vehicles of all descriptions, there was sometimes a stoppage, which often interrupted for a considerable time the communication between one end of the metropolis and the other. Should the house approve of his proposition, the whole of this inconvenience would be avoided. Persons going to the city from, and returning to, the west end, would have access, not only by the widened carriage way of this part of the Strand, but also by new carriage ways running parallel. There would be an additional carriage way across the upper part of the quadrangle into a street on the south side of St. Martin's church, which would run diagonally into the Strand, towards the end of Villiers-street; so that a great part of the crowd at present entering the Strand by Charing-cross would be avoided. But this would not be all. The means would likewise exist of forming another street from Leicester-square, by Hemmings-row and Chandos-street, which would fall into the Strand by Bedford-street. This would be the least wide of the three communications, but still it would give a great additional convenience, and by taking off part of the throng of carriages that would otherwise have access to the Strand only by Charing-cross,

would very much relieve that part from the crowd which daily pressed along it. He would now say a word as to the expense which would be incurred by these improvements; and no doubt it would be satisfactory to the house to learn, that unless the building of a Royal Academy or National Gallery in the site to which he had already alluded should be determined on (in which case it would be necessary to come to the house for a grant), he should not have to apply to the house for a shilling (hear, hear). He would not at that moment enter into the details of the means by which it was intended to carry these plans into effect. It would be sufficient to state generally, that by the exchange of Crown lands in some instances, and the sale of them in others, the department with which he was connected would be enabled to meet the greatest part of the expense. It would, however, be necessary, should the house approve of his plan, that in the bill which he would introduce, powers should be given to borrow a sum of money on mortgage of a part of the new street; but this, it should be observed, would be only a continuation of an act already passed for the erection of the buildings in Regent-street. Looking at the whole of what he had detailed as one plan, he could not anticipate any objection to it as a general measure. It was, he thought, highly desirable to get rid of the unsightly appearance which would be presented by allowing some of the houses in the neighbourhood of Charing-cross to remain as they now stood. If the house should disapprove of carrying the alterations to the extent that he had proposed, then it would be necessary to have the intended quadrangle on a much smaller scale. He thought, however, that such an opportunity as the present ought not to be lost, for such another might never present itself of making these desirable improvements. Looking to the probable result of this plan, the house, in order to form its judgment, might be glad to learn what was the result, as to expense, of that splendid undertaking—the building of the new street (Regent-street). That, it should be remembered, was undertaken in a time of war, and such as it was, he did not believe that it was regretted by one man in the country. Taking the expense of that, and the opening to the Regent's-park, in the purchase of good-will of premises, and in the awards given by juries, the result was, that while a great part of the Crown land was improved and an interest created which did not exist before, the interest on the whole of the sum laid out produced within a fraction of 3 per cent. He did not say that the expense of the improvements now proposed would be as great, but for the space to be acquired they would be comparatively greater; for in the former case there was erected on the site of the houses pulled down, a continuity of buildings, which were now productive; but a great part of the site of the houses now to be removed would remain unoccupied, and would of course produce no return for the sum laid out; but after all, and making allowance for this unproductive space, he expected that an interest of  $2\frac{1}{2}$  per cent. would be returned on the money expended. This, considering the great advantage to be derived from the more open communication between the two quarters of the metropolis, and the splendour of forming such a magnificent quadrangle, would be a fair return. But the ornament of the proposed quadrangle would not be its only advantage.



The leaving such an open space in a neighbourhood so thickly surrounded with buildings would be a great benefit in contributing to the health of the inhabitants of the vicinity. He would not now go further into detail, but merely observe, that he would move, that the bill, if the house consented to its introduction, should be read a first time that night, and a second time to-morrow; and that it should be printed, and afterwards referred to a committee up stairs, to examine the plan, and report whether it could conveniently be carried into effect. The hon. member concluded by moving for leave to bring in a bill "to extend to Charing-cross, and other places adjacent, the provisions of an act for opening a more convenient communication between the east and west ends of the metropolis, and enabling the commissioners of land revenue to sell and grant leases of Crown lands."

Sir M. W. Ridley suggested the propriety of improving a part of the Strand by the removal of Exeter-change. There could be no doubt this was a very great nuisance to the inhabitants of that neighbourhood, and as a very considerable commerce was carried on in that part, he thought this suggestion was not undeserving of the rt. hon. gent.'s attention. He wished also to draw his notice to a letter which appeared in *The Times* newspaper of this morning, touching the exclusion of the public from the turf of the Regent's Park, in order to secure to the Crown a rent of 100l. a year. Certainly it had been understood, that as soon as over the trees had grown up sufficiently, the park would be wholly thrown open to the public.

Mr. Arbuthnot said, that he did not disagree with the hon. bart. in his observations respecting Exeter Change, but as that was the private property of Lord Exeter, difficulties would arise in effecting there the alterations suggested, and he thought that whilst the house were providing for public improvements, they ought also to be attentive to private property. Besides, he understood, that as soon as the leases which had been granted of the property about Exeter Change had run out, it was the intention of Lord Exeter to make very great improvements there; and he could assure the house, that if his assistance should be at all required, he would most gladly co-operate in so laudable an undertaking.—What had been observed by the hon. bart. respecting the Regent's Park, had not escaped his notice. It was, however, a mistake to suppose that the annual rent which government received on account of this park was only 100l., for in point of fact it amounted to 1800l.; but still this would be no consideration with the Government for excluding the public from the full enjoyment of this park one moment longer than the state of the park itself absolutely required; but at present, although the pasturage was extremely good and luxuriant, the surface of the soil was not in a proper condition to be walked upon, neither had the trees as yet arrived at sufficient maturity to render it safe that the fences which at present protected them should be thrown down. In the course of another year he hoped that these obstacles would be removed, and that the public might then have a free and unrestricted access to all parts of the park. He felt as fully sensible as the hon. bart. himself could possibly do, that it was the duty of those who had the direction

over matters of this nature, to prefer the public health and convenience to every other consideration.—Before he sat down he would take the liberty of alluding to the very important improvement which had recently been made in Hyde-park, and which must necessarily have afforded the public a most considerable additional accommodation; he did this the more readily, because it had been granted by the express direction of his Majesty, who had himself suggested and pointed out the improvement.

Mr. Hume did not rise to object to the rt. hon. gent.'s having leave granted to bring in the bill, but he hoped that the public would not be called upon to pay any money towards it; and, indeed, instead of borrowing money for this purpose, he thought it would be far better to sell some of the crown-lands to defray the expenses of it.

### *New Corn Exchange Bill.*

MONDAY, APRIL 17.—On bringing up the report of the above bill,

Sir T. Baring felt it to be his duty to enter his protest against this unwarrantable and uncalled-for measure. Its chief effect would be to increase the number of retail dealers in corn, to the evident injury of those who had already embarked in that trade. But his great objection to the bill was, that it would interfere with the private rights of individuals—with the rights of those who were the possessors of the present Corn Exchange—without adequately remunerating them. The individuals who had formed this project asserted that a new exchange was greatly wanted. He was disposed to doubt the correctness of that statement, as he believed the sale of corn had not increased within the last 20 or 30 years. He should therefore move "that the report be received this day six months."

Mr. Hume seconded the motion. The present measure was one of those instances of interference with private property that ought to be resisted by the house. The bill went to take from the present proprietors their property in the corn-exchange, without any guarantee that another would be built.

Sir E. Brydges supported the measure on the score of public utility. It was said that the present exchange was private property; but if it were, it differed essentially from other private property, because it was devoted to public purposes. He hoped that the report would be received now.

Mr. T. Wilson said, it had been asserted by the supporters of this measure, that corn would sell better in a large market than in a small one. If this were so, and if the present corn-market were not sufficiently spacious, let them enlarge it, or build another elsewhere. The existing corn-market was built by private parties for their use and convenience, and the business had been carried on there very prosperously for a great many years. This measure, he thought, interfered with private rights.

Mr. H. Sumner expressed himself friendly to the bill. A new corn exchange was very much wanted. The present market was quite inadequate for the sale of corn, and the place opposite to it was equally so. In consequence of the want of necessary accommodation, the street in which the market stood was frequently rendered impassable. It was said that this was an uncalled-for invasion of private property.



He did not view it in that light; but even if it were considered as private property, this interference was rendered necessary for a public object. They were told that the new proprietors would, under this bill, turn out the old proprietors. It was no such thing. They said, "We will build a market by the side of yours; and we will, for the purpose of making a communication between the two markets, take down as much of your wall as admits of four stands, at the annual rent of 40l. a year, for which we will make full reparation." It was also stipulated, that the new proprietors should, at the option of the old, take the whole of the market, if the latter desired it.

Sir R. Wilson stated, that a most respectable corn-dealer had, in his evidence, pointed out the impossibility of carrying on business in the present state of the market, and it had come out in the course of the inquiry, that a bye-law had been framed by the society, or joint stock company, who held the exchange, by which they excluded from participating in this corn-trade, every person except corn-factors. The corn-factors had thus erected themselves into a body, who were to mete out to the public whatever quantity of corn they thought fit, under their own regulations, and at their own price. That this was a monopoly, and a very profitable one, was apparent from this fact—that though the premises were not worth more than 10,000l., the good-will was estimated at 60,000l.; and the proprietors actually called for that indemnity, if the market were affected by this measure. Those who required this bill were anxious that the present proprietors should throw open the market to the corn-dealer, generally.

Mr. Calcraft said, the object of this bill was to take by force the property of individuals; and in order to put a face upon the matter, they were calumniated as monopolists.

Sir E. Knatchbull defended the character of those with whom this measure originated. It was admitted on all hands that the present market was most inconvenient; and those individuals took the only method of remedying the inconvenience.

Mr. Alderman Wood said, there could be no difficulty in the erection of a corn market by this society, because they had already purchased the ground adjoining the old market. All they asked for was, to have an opening from one market into the other; and he was of opinion that that point ought to be conceded to them.

On a division, the numbers were—For the motion, 76—Against it, 27—Majority for the bill, 49.

## FOREIGN RELATIONS.

*Diplomatic Service.*

FRIDAY, MARCH 17.—Mr. Herries moved that a sum of 200,000l. should be granted to his Majesty, to defray the expense of civil contingencies for the year 1826.

Mr. Hume said, that he had expected to see in the estimates for the present year some reductions under this head; the country was not in a situation to pay nearly half a million annually for the expenses of ambassadors and other matters connected with them. The house was not, perhaps, aware that the charges on this head had gone on increasing for several years past. In 1818, the charge was 258,078l.; in 1824, it was 320,178l.; in 1825, it was 326,463l.

See, 1826.

Many of the items, he thought, should have been included in the sum voted for the civil list. He found there sums of 73,860l. for extraordinary disbursements; 19,240l. for outfit and equipage of envoys; and 6402l. for presents. He did not object to the expenses which were incurred in respect of the ministers who were sent to the states of South America; but he thought that the expenditure for some of the less important states of Europe might be reduced. Such places, for example, as Wurtemberg, Saxony, and Switzerland, could not be of such importance as to justify the expenditure they occasioned. It appeared that the extraordinary expense incurred in the last year, on account of the embassy to Paris, was 17,570l.; and, adding to this the salary of the ambassador, which was 13,000l., the total amount became rather more than 30,000l.—a sum equal to the whole civil establishment of the United States of America. In the year 1792, the whole expense of all matters connected with the diplomacy of the country was 185,000l., and this year it was little short of half a million sterling. Upon principle, he opposed any such system of expenditure, because he was convinced that whenever the emoluments of public employments were large beyond the duties to be performed, appointments would be made as matters of patronage, and other qualifications besides appropriate aptitude, would be deemed the only pretensions to office. He saw in the charge to which he had last alluded a sum of 12,000l. for repairs to the hotel of the British embassy at Paris, and for furnishing some of the apartments. Some years ago, the house was called upon to grant 30,000l. for the purchase of that hotel, and now another item was brought forward for repairing it. Unless the house would at once resolutely interfere, there was every reason to believe that these expenses would go on increasing, and that every year would see some augmentation to them. In the year 1792, the whole annual expense of the French embassy was only 9000l., including the extraordinary charges. In the year 1822, it appeared to have amounted to 14,555l. The charges for the embassy to Russia were 14,535l.; to Austria, 14,000l.; to Spain, 14,000l.; to Prussia, 8000l. What need was there to send an ambassador, at the annual expense of 7200l. to the Two Sicilies, or to Sweden at 5300l., and Denmark, 5800l.? What reason could there be for expending for the same purpose a sum of 4619l. on Wurtemberg, of 3900l. on Tuscany, and of a similar sum on Saxony? He thought that the whole expenses charged on account of the consuls, in a paper laid on the table yesterday, required an explanation, and he hoped to hear it from the rt. hon. gent. (Mr. Canning).

Mr. Canning rose for the purpose of answering the observations of the hon. gent., and of giving him such explanation on the subjects which he had touched upon, as he was able. He would begin with that which had been last adverted to by the hon. gent.—that was, the account of the salaries to his Majesty's consuls abroad. He was not a little surprised to hear the hon. gent. express himself so wholly unacquainted with this subject, which he (Mr. Canning) had always taken to be a child of the hon. gent.'s own. When he (Mr. Canning) came into the situation he now held, he understood that the opinion of the house had been expressed—that it would be beneficial to the

See, 1826.



country, and particularly to the trade of the country. If the system of foreign consuls, then existing, should be done away with, and put on an entirely different footing; in short, if the payment by means of fees should be abolished, and salaries substituted for them. He begged it to be understood that this was by no means his wish; but although he did not concur in the principle which had been laid down, as he found it settled, he had done his duty, and had carried it into execution. He was sure that in many cases small fees were a better mode of payment than salaries. He, however, only made this protest *obiter*, and he mentioned the subject for the purpose of expressing his surprise that the hon. gent. who had laid this burthen on the country, should now turn round and complain of the expense. From the moment at which he (Mr. Canniog) had come into office, this subject had engaged a great portion of his attention, and he could assure the house that he had met with none that had given him more trouble. It was his duty to hear the particulars of each case, to ascertain how much might be abridged from this, and what compensation should be allowed to that, in lieu of the old accustomed profits. Although it might be pleasant enough to the hon. gent. to make the reductions he thought fit in the aggregate, the putting them into practice in detail was a very different affair. To shoot into a crowd where the victim could not be seen, was an affair which perhaps excited little care; but to execute individually the sentence which had been pronounced in gross, was most painful and distressing to the person on whom the duty might fall. In the last three years he had to listen to, to examine, and to answer applications on all these subjects. It appeared that the total amount of the burthen to which the trade at the different out-ports had been subjected amounted to 61,160*l.*; if he had said 70,000*l.*, that would include every thing, but he would take it at the former amount. The hon. gent.'s system was, that this should be taken from the trade, from the private merchants, and put upon the country. As a part of the alteration, he had called upon the Levant Company last year to surrender their charter. They gave up at the same time the fees which they had formerly levied, amounting to 29,000*l.*, out of which they paid their consular agents, and this expense of course now fell upon the public. The salaries under the old system amounted to 50,000*l.*, and, adding to this the salaries of consuls in the Levant, forming an amount of 11,000*l.*, the whole salary account was 61,000*l.* The contingent expenses had been estimated at 18,000*l.*, and this formed an aggregate of 79,000*l.*, the sum which the house would be called upon to vote. A sum of 30,000*l.* had always been voted in the civil list on account of consuls, and this, deducted from the amount he had just stated, left 49,000*l.* Since, then, the house had chosen to put itself in the place of the merchants, he was entitled to deduct that sum from the charge made on this account. All that had been done, therefore, for 61,000*l.* formerly, he did now for 49,000*l.*, and the saving to the public therefore was 12,000*l.* This was the explanation which he had to give with respect to the consuls' salaries. With respect to the consuls who had been more recently appointed, there was much greater difficulty, owing to the peculiarities of the countries in which they were established. He had endeavoured to feel his way in the best

manner he was able, and had endeavoured to procure returns of the expenses on all subjects, in order to shape the establishments as much like those of Great Britain as was possible. The house would, however, be aware that it was not easy to do this with respect to a country in which a man might buy a horse for a dollar which would cost him two guineas to get shod. All that he could then say on this subject was, that it was in progress, and that the house might rely on his giving it his strictest attention. He had already procured such information respecting Buenos Ayres and Colombia as would enable him to act, and he hoped to go on so as to arrange the others as near to the second-rate European Consuls as possible. With respect to the European missions, they were at present on precisely the scale which had been sanctioned by parliament in the year 1816, excepting where they had been reduced. Those of Switzerland, of Frankfort, and of Saxony, he had thought offered an opportunity for reduction, and that opportunity had been embraced. But, to carry the principle so far as to withdraw missions from countries in consequence of what might be supposed to be their insignificance, was what he could neither see the justice nor the policy of, and which he was surprised beyond expression to hear advocated by the hon. gent. It had never been the principle of this country to neglect the minor independent governments of the continent; and although he did not pretend to foresee the events which the future might produce, he did not believe that the time would ever arrive when this country would have to regret that she had held up heads which circumstances had contributed to lay low. But from generals the hon. gent. had proceeded to particulars, and complaining that the embassy to France had cost 30,000*l.* during the last year, he had argued that it was likely in the next to amount to 50,000*l.*, and that it might go on in a progressive ratio. He was sure that the fallacy of this method of putting the case must have occurred to the hon. gent., and that he would not, upon reflection, insist that the annual amount ought to be stated at the sum he had mentioned. He would, however, confess that the item for the repairs of the ambassadorial dwelling was one which required explanation. In order to understand the affair, it would be necessary that the house should know exactly the history of it. In the year 1814 it had been thought advisable to purchase a house for the residence of our ambassador in France, and the purchase had accordingly been concluded at 30,000*l.* During the last five or six years, a considerable sum had been expended on the repairs of the house. In the civil contingencies of last year, 12,000*l.* were voted for that purpose. That circumstance called his attention to the subject, and he directed the Treasury to send a person to survey the house, and to report whether any, and what repairs were required. Mr. Smith was dispatched to Paris by the Treasury, and his report was, that such another house was not to be got in all that capital, and his estimate of the expense of the repairs necessary was between 5000*l.* and 6000*l.* On this report, the Board of Works were ordered to undertake these repairs. The Board of Works, however, sent over another surveyor, Mr. Wyatt, to look at the house, and he reported that the expense of the repairs would be 16,000*l.* and of new furniture, 7000*l.*, making, altogether, 23,000*l.*



to do the whole in an English workman-like manner. Upon receiving this report, he directed that the house should be sold, and orders were sent to Paris to dispose of it, if it could be done to advantage. The report which was received from Paris on this subject was discouraging. In the first place, during the last 12 years, the value of such a house as the one in question had exceedingly augmented in Paris, on account of their number having decreased. The hiring of a new house would, it was found, be attended with very great expense. In one instance 150,000 francs (equal to 6000*l.* per annum) were demanded, and the lowest rent asked was 9000 francs per month. Then again there was another consideration of some importance connected with the selling of the ambassador's hotel. He received remonstrances from persons of all parties in France, who were favourably disposed towards England, against the selling of the house. These persons represented to him that it was a matter of political importance that the house should not be sold—it would (they said) look like a wish to break off our connexion with France. There could be no doubt, from what had been stated to him, that the most unpleasant construction would have been put on the proceeding. This imaginary grievance should not, however, have stood in the way of the disposal of the house, if that could have been done with any chance of its being advantageous; but it was quite clear that by the selling of the hotel, and the hiring of another, (besides losing the *prestige* of being the only nation but one which had such an establishment in Paris), we should have incurred a much greater expense than the keeping of the present establishment. Under these circumstances, he directed that the hotel should be repaired, not in the English way (which supposed that the doors would shut and the windows close), but in the French style, that was to say, it should be made weather tight. The repairs were proceeded with under the direction of Mr. Wyatt, who was restricted to the expenditure of 12,000*l.* He was well aware that Great Britain did not want any accidental claim to the consideration of France; but he could assure the house that very great importance was attached to the circumstance of our having an ambassadorial hotel in Paris. Russia was the only nation, excepting England, which had an establishment of that kind in the French capital, and if our's were removed, the influence of Russia would be thereby increased. The hon. member had alluded to the increase in the estimates under the head of extraordinary. He would explain how that had happened. The house was aware that in the course of last year an embassy was sent to congratulate the King of France on his accession to the throne. The Duke of Northumberland, who was appointed his Majesty's representative on the occasion, stipulated that he should pay all the expenses of the mission out of his own pocket. But, on the one hand, though it was very public-spirited in the noble duke to make this stipulation, it was not thought right that the public and the sovereign should be served entirely gratuitously. It was resolved, therefore, that his Majesty should present the noble duke with some part of his equipment, which might remain in his family, and go down to posterity as a memorial of the event. A sword, value 10,000*l.* (certainly not a fourth part of the expense which the noble duke incurred), was given to his grace by his

Majesty. This item had swelled the amount of the extraordinary. He believed that he had now touched upon every point which the hon. member had alluded to. With respect to South America, he could not pretend to account for every item of expense. Much that was done there was in the nature of trial and experiment.

Mr. Bernal observed, that several large sums were charged for presents of snuff-boxes to foreign ministers. He thought that item of expense ought to be reduced.

Mr. Canning said, he could not justify the custom to which the hon. member alluded, except by stating that it had existed in civilized Europe from the earliest traces of diplomacy.

Mr. Baring approved of the abolition of consular fees. There was, however, one part of the *rt. hon. gent.*'s system to which he objected—he alluded to the regulation which prevented consuls from trading as merchants. He understood also that the rule was not generally applied, and that some of our consuls in Holland were merchants. He hoped the regulations would be abolished altogether, for it would be more creditable to have the consulships filled by respectable merchants, than by persons who could not, with the small salary which they received, maintain that high character in society which was desirable.

Mr. Canning said he thought it right that all persons who were appointed consuls should be prevented from trading subsequent to their appointment. Some of our consuls were merchants; but they had been merchants at the time they were appointed.

Mr. Hume again adverted to the subject of the repairs of the ambassador's house at Paris, and said that the sum which had been expended for that purpose was an instance of shameful extravagance. He understood that the hotel was fitted up in as splendid a style as any house in London. (Mr. Canning:—"Very well!"—a laugh). It was not very well, but very ill that such profuse expenditure should be permitted.

After some further observations, the resolution was ordered to be reported on Monday next.

TUESDAY, MARCH 21.—Mr. Brogden brought up the report of the committee of supply.

On the resolution being read that the sum of 200,000*l.* be granted for defraying the charge of civil contingencies for the year 1826,

Mr. Hume, after repeating his objections to the estimates for the Diplomatic service, moved that the following be added to the resolution, by way of amendment:—

"That it appears by a return (No. 285 of 1822) on the table of this house, that the total charge for his Majesty's diplomatic service and consuls abroad, for the year 1792, including special missions, outfit and equipage extraordinary, and incidental expenses, pensions to retired ministers and consuls, was 113,980*l.*, and that the charge for the same in the eight years, 1818 to 1825, both inclusive, exceeded the sum of 2,500,000*l.*, as follows:—

|                           |          |             |
|---------------------------|----------|-------------|
| For 1818 . . . . .        | £258,078 |             |
| 1819 . . . . .            | 335,022  |             |
| 1820 . . . . .            | 289,179  |             |
| 1821 . . . . .            | 303,177  |             |
| 1822 . . . . .            | 288,196  |             |
| 1823 . . . . .            | 281,957  | £2,504,107. |
| 1824 . . . . .            | 320,178  |             |
| 1825 . . . . .            | 326,463  |             |
| Additional amount due     |          |             |
| and for consuls . . . . . | 96,857   |             |



being on an average of these years 313,000l. each year.

Resolved,—That, in the opinion of this house, it is expedient, in order to relieve the burdens and support the public credit of the country, to lessen the public expenditure by every practicable means consistent with the safety and good faith of Government; but that so large an expenditure for the diplomatic service of the country, and in particular in the last year, is at variance with that course, and deserves the censure of this house.

The *Speaker* said, that when the report was brought up for the consideration of the resolutions, it was of course competent for any member to move that they be affirmed, negatived, or amended; but if he moved their amendment, he could only propose such amendment as could have been proposed in the committee; and this not being a committee for considering abstract propositions, or examining into historical facts, there was no stock on which such an amendment as the one proposed by the hon. member could be grafted. The hon. member might, indeed, move this as an amendment to the resolution being read a second time, but he could not move it is an amendment to the resolution itself.

Mr. *Hume* then withdrew the amendment.

#### *British Claimants on France.*

THURSDAY, MAY 18.—Mr. *Littleton* presented a petition from Clement Joseph Philippe Pen, Baron de Bode, complaining of the conduct of the commissioners appointed to carry into effect the several conventions for liquidating the claims of British subjects against the Government of France. The petitioner was a natural born British subject, the son of a man of rank in Alsace, who had connected himself by marriage with some of the most respectable families in the country which he (Mr. *Littleton*) had the honour to represent. At the time of the breaking out of the French revolution, he was possessed of estates and seigniorial rights at Soultz-sous-Forêts, in Lower Alsace, which were, in the year 1793, illegally confiscated, and sold under the authority of the revolutionary government of France. The petitioner thereupon entered the military service of the then Empress of Russia, and in the campaigns of 1812, 1813, and 1814, commanded a regiment of Russian cavalry, which bore his own name, and with which he advanced with the Allies into France. By the treaty of peace, which was entered into between Great Britain and France in the latter year, and by subsequent conventions, indemnification was provided for the subjects of His Britannic Majesty, in respect of property moveable and immoveable, illegally confiscated by the French authorities; and a very large perpetual annuity, bearing interest, and representing a very large capital, was inscribed in the Great Book of the Public Debt in France, in the names of certain Commissioners of Deposit, appointed by his present Majesty, then Prince Regent, acting in the name and on the behalf of his late Majesty, for the purpose of being applied to the satisfaction of such claims as might be established in pursuance of and in conformity to the said treaty and conventions. By these conventions, a certain period was fixed for bringing forward the claims of British subjects, after the expiration of which they were no longer to have

the benefit provided by the treaty, and the names of all such claimants as presented themselves within the period prescribed were to be inserted in certain registers. Now, by an act of parliament, passed in the 59th year of the reign of his late Majesty, it was declared, that any rejection of any such claims as should be by the commissioners, or on appeal to his Majesty in council, be adjudged not to be within the true meaning and intent of the said conventions, or any of them, should be final and conclusive; and should be held to be a full and entire discharge of the French Government, and of his Majesty's Government, from any demands in respect of any claims falling within the object and true intent, and effect, and meaning of the said conventions, or any of them, and which had been inserted in the said registers during any period allotted for that purpose by the several conventions. But it was expressly declared by the same act of parliament, that no new or additional evidence should be produced, or received on any appeal to his Majesty in council, from the award of the said commissioners, and that the judgment or decision of his Majesty in council should be finally binding and conclusive on the said commissioners respectively, and on all persons. By the 16th section of the same act of parliament it was declared, that the residue or surplus of the sum so inscribed in the great book of the public debt of France, should, after the satisfaction of all claims that might be established, be at the disposal of the commissioners of his Majesty's Treasury for the time being, or any three of them. Now the petitioner stated, that in pursuance of the regulations which he had just mentioned, he sent in a claim for property illegally confiscated, amounting to 541,162l. sterling. He was entitled to this property—first, by virtue of a formal gift or cession, thereof made to him in 1791 by his late father; and secondly, by virtue of a vested interest in remainder. The petitioner then proceeded to state, that for the purpose of prosecuting and attending to his claim, he quitted the Russian military service, and thereby sacrificed his present means of subsistence. The petitioner's name having been inscribed in the registers, and some modification and reduction having been made as to the amount claimed by him, he stood a claimant for the sum of about 445,440l. sterling, and proceeded to establish his claim, by producing such evidence in support of it before the commissioners as was sanctioned by the conventions. He was engaged in obtaining further evidence, of which notice was given to the commissioners by the agent of the petitioner, who earnestly requested them to delay making their award until that evidence should arrive. The commissioners refused to wait for the said evidence, and signed their award on the 26th of April, 1822, rejecting the claim of the petitioner. The petitioner contended that the additional evidence was of the highest importance in support of his claim, and could not have failed to have satisfied the said commissioners of the justice of it. The petitioner afterwards appealed to his Majesty in council against the award of the commissioners, and his appeal came on to be heard on the 23d of June, 1823; but as by the act of parliament he was precluded from bringing forward on the appeal the additional evidence he was possessed of, and as, by inadvertence and oversight, a most important part of his case—namely, his vested



right to the estates in remainder—was not brought to the attention of his legal advisers, and consequently not pressed upon the consideration of their lordships, they were pleased to confirm the award of the commissioners. Under these circumstances, he was advised to prefer a petition to his Majesty in council, praying for a re-hearing before the Lords of the Privy Council, which their lordships were pleased on Saturday, the 6th of May instant, to grant. They came, however, to the conclusion, that under the act of parliament they were deprived of all power of interfering on his behalf, concluding their judgment with the following words :—" However this may operate on the interests of the Baron—however we may commiserate his situation, we feel that we have no power of granting the prayer of his petition." The petitioner then went on to contend, that as by the conventions and act of parliament, and the insertion of his name in the registers before-mentioned, he was barred from obtaining any redress from the Government of France, he was now left without any other remedy for obtaining indemnification for the loss of his immense property than what must be provided for him by the liberality and justice of the British nation. He also begged to state, that he had been informed, and verily believed, that there would be a very large surplus of the capital provided by the French Government for the satisfaction of British claims, independently of that occasioned by the rejection of his claim. The prayer of the petition was, that the house would take the case of the petitioner into its consideration, and award him such relief as to its wisdom should seem meet. The hon. member said, he was not aware of any relief which the house could give the petitioner other than by means of an act of parliament, and that, at this period of the session, it was of course impossible to expect. He hoped, however, that the petition might engage the attention of the rt. hon. gent. at the Treasury, and as it was clear that there must be a large surplus, and no less clear that the petitioner had sustained a considerable loss, he trusted that some terms of compromise might yet be offered to the petitioner.—The petition having been read,

Mr. Canning said, that the case to which this petition referred had been examined before the commissioners appointed by the act of parliament, and after a regular discussion, the claims of the petitioner had been rejected. He then appealed in the manner provided by the same act of Parliament; his case was re-heard, and again his claims were rejected. Now, if after this they were again to be preferred, and again examined, either in this house or before any other tribunal, it would have been better that parliament should never have given any such power to the commissioners whom they had appointed. He could assure the house that the cases before the commissioners had been argued with much care, and a patient and solemn investigation was made into them.

Mr. Hauss asked whether there were not circumstances in this case which did not occur in others. The petitioner had only four days' notice of trial, and not sufficient time to enable him to produce evidence, which was necessary to making out his case. He had also discovered new matters, which he was not allowed to prove on his appeal. The hon. member thought, therefore, that such a petition as this should not be rejected on any formal grounds.

Mr. Canning said, that he did not pretend to be, as it was not his duty to be, acquainted with the exact facts of every case before the commissioners; but of this he was sure that if the reasons stated by the hon. gent. were thought sufficient to require a re-hearing, he knew of twenty cases in which the parties had quite as good a right as this petitioner.

Mr. Baring said, he was acquainted with the case, and thought the petitioner had suffered great hardship.

The petition was ordered to be printed.

### Military Occupation of Spain.

FRIDAY, MARCH 10.—Sir Robert Wilson begged to ask the rt. hon. Sec. (Canning) whether there was any definite period fixed for the evacuation of the Spanish fortresses by the French troops, and particularly of the fortress of Cadiz?

Mr. Canning assured the hon. and gallant member, that he personally (Sir R. Wilson) could not be more anxious to see the French troops entirely out of Spain, than he (Mr. Canning) believed the French government itself to be. For the precise moment at which this evacuation would take place, he certainly was not prepared to state it; several times, when it had been upon the point of occurring, a series of paltry, vexatious, troublesome, though unimportant, attacks had arisen to delay it. As a minister, however, and as an individual, he was perfectly satisfied, although he could not name any precise day, that the French government wished its troops out of Spain as heartily as the gallant member, or any other member of that house.

### Greece.

LORDS, THURSDAY, APRIL 20.—Earl Grosvenor wished to know whether ministers had received any information respecting the fall of Missolonghi, and whether there was any hope of the Greek cause being at last taken up. That cause, if not entirely desperate, appeared to be almost so; but he was anxious to be informed if there yet remained any hope that the unfortunate Greeks would not be entirely abandoned. It was understood that there was a disposition on the part of Russia to come to rupture with the Porte, but he hoped and trusted that the annihilation of the Greeks was not to be made the price of the independence of Wallachia and Moldavia.

The Earl of Liverpool could not give any other answer to the noble earl on the report of Missolonghi being taken, than that he believed it was not taken at the date of the letter to which the noble earl had alluded. With respect to the other question put by the noble earl, as to whether the Greek cause were now desperate or not, he should only say that the contest being one with respect to which this country was perfectly neutral, he did not consider it a subject for discussion in that house.

COMMONS, FRIDAY, MAY 19.—Sir R. Inglis presented a petition from a parish in Essex, praying the house to interfere on behalf of the Greeks in the present struggle which they were now waging with the Turks.

Mr. W. Smith envied the feelings of his hon. friend in presenting such a petition. He heartily wished that there could be an expression of



public sentiment throughout the country upon this subject, which might convince the world that we were not indifferent to the great and holy war which the Greeks were now waging to recover their liberty and independence.

Sir R. Wilson said, that the time was now come when some step ought to be taken by England, in order to save a Christian people from extermination. The cruel and inhuman manner in which the Turks carried on the war against the Greeks was evident from this circumstance—that the Greeks preferred sacrificing themselves along with their women and children to submitting to the degrading captivity which they must suffer if they fell alive into the hands of the Turks. He was sorry to say, that notwithstanding the heroic resolution with which many Greeks had freed themselves by death from the degrading brutalities of their captors, some of them had been exposed for sale at the price of 50 and 100 dollars a head in the market at Alexandria. He lamented that French officers should have degraded themselves and their country by entering into the service of the Pacha of Egypt, and by fighting against the Greeks; but he lamented still more the impolitic law which prevented British subjects from embarking in the cause of Greece, and from showing their attachment to the sacred cause of freedom.

Mr. Hume would have felt it his duty to have called the attention of parliament to this subject, had he not suspected from what had appeared in the public papers, that any motion in the House of Commons regarding Greece would have the effect of impeding the march of his Majesty's ministers. He trusted that ministers would not be drawn by any thing which might be said to—first into making any declaration that might be ultimately prejudicial to the cause of Greece. If he had determined to bring the state of Greece under the consideration of the House, he could have proved beyond dispute that the French government had evidently acted in a manner that was neither fair to Greece nor to England. Our Government had acted most fairly and loyally by its people's representatives; but the French Government, though it had professed to give assistance to the Greeks, had in point of fact been giving it all along to the Turks. He had obtained a list of French officers, who were in the service of the Pacha of Egypt, and were at the same time receiving half-pay from the French Government. He could mention the names of several Austrian ships which had engaged in open hostilities with the Greeks; and he could further prove that a French ship of war had been employed in regularly transporting treasure from Egypt to the Morea for the payment of the Pacha's troops. He thought that these facts were sufficient to show that there was in the French and also in the Austrian Government an intention to give underhand, if not open, assistance to the Turks against the Greeks.

The petition was then ordered to be printed.

LORDS, FRIDAY, MAY 23.—The Earl of Derby wished to know whether it was a fact within the knowledge of his Majesty's Government, that France had permitted armaments to be fitted out, which had sailed from her ports, to act against the Greek islands?

The Earl of Liverpool replied, that as the noble earl had not called his attention to any particular case, he was unable to give him a

specific answer. But he had no difficulty in stating generally, that the avowed policy of France was neutrality in the contest alluded to, and nothing had certainly come to the knowledge of his Majesty's Government which proved that they had not acted upon that policy.

FRIDAY, MAY 23.—The Earl of Derby was not satisfied with the answer he had received a few days ago from the noble lord (Liverpool), respecting the conduct of the French government with respect to the Greeks. The noble earl had stated that that government observed a *bona fide* system of neutrality. Were that the fact, he should feel that he had nothing to say on the subject. But it appeared that supplies were sent to the Turks under the protection of French convoys. This was surely saying that it was a system of neutrality. The French government seemed to pursue the same conduct with respect to the Greeks as to the slave-trade. They professed one thing, and did the contrary. Manifestations of war were sent from Marseille to the Pacha of Egypt, under convoy of French ships of war; and the French officers who served with the Greeks were deprived of their half-pay, while those who served the Pacha were allowed to retain it. He concluded by moving for information on the subject of the neutrality of France, and for copies of any communications with the French government, on the subject of ships fitting out in French ports for the Pacha of Egypt.

The Earl of Liverpool never heard such a motion proposed without any previous notice being given of it. The effect of such a proposition, if carried, would be nothing more or less than the taking away the King's prerogative, to place it in the hands of parliament. He did not mean to say that either house of parliament might not entertain such a proposition as that of the noble earl; but then there ought to be some solid grounds for bringing it forward, and the nature of the intention should be given. With regard to the particular question—that was the case. His Majesty was at peace with all the world. This country was neutral as well as France. As neutrals, it was the object of both to preserve the peace, and when peace was broken, to use the best means in their power to reconcile the belligerents. But what could be expected from the noble lord's motion? Any interference of the kind he proposed, in fact, would be doing good, could not fail to be attended with positive evil. On a former day he had stated that the French government acted upon the principles of neutrality. Now there were two ways in which a government might maintain neutrality. One was to allow none of its subjects to serve on either side; and this was the principle adopted in this case by his Majesty's government. But another principle of neutrality allowed subjects to serve on both sides, and this principle had also been sanctioned by the British government; for their lordships were doubtless aware, that Swedish ships and Russian ships had been commanded by British officers in the wars between those powers. In the present contest between the Greeks and the Turks, French subjects were permitted to engage on both sides. Their lordships might indeed have read within these few days, of a Greek force being commanded by a French officer, and an officer, too, of reputation. As to whether a little more favour with respect to trade, was given by France to the



Turks or the Greeks, he knew nothing of the fact, and it was a subject which did not appear fit to be inquired into. That French officers might be engaged in private intrigues, was likely enough; and he had no doubt that such intrigues were as active on the one side as the other. With regard to the slave-trade, some most reprehensible practices, it appeared, had taken place; but that had nothing to do with the present question. In short, the motion of the noble lord was brought forward at a moment when agitating the subject to which it related could be attended with no advantage, and might be productive of mischievous effects.

The Earl of *Darnley* intimated that he would not persist in his motion.

### *Alien Act.*

COMMONS, THURSDAY, APRIL 20.—*Mr. Peel* rose to move for leave to bring in a bill for the registration of aliens. When the question of the Alien act was last under discussion, in 1824, the house would probably recollect, that a hope had been expressed, both by his *rt. hon.* friend (*Mr. Canning*) and himself, that the Government would be enabled at the end of the then stipulated term of the bill, to allow it to expire. The period had now nearly expired, when, unless the intervention of the house caused a different result, the powers vested in the executive government by the provisions of the Alien act would cease to have operation, for the duration of that act as the law now stood was limited to next November. He was extremely happy to have it now in his power to fulfil the expectation, which he had just alluded to, as having been held out on a former occasion, and to inform the house, that it was not the intention of his Majesty's Government to call for the prolongation of this law (cheers). In proposing the registration bill on the present occasion, it was merely wished that the Government should have that to which he thought there could be no possible objection—a registration of the names of such aliens as thought proper to take up their residence in this country. He did not mean to propose any further measure as affecting aliens, nor to take any steps whatever for compelling them to leave this country under any other circumstances than those which would be operative upon the natural born subjects of his Majesty (renewed cheers). He could sincerely assure the house that no man could be found more willing than he was to part with the authority which this bill had officially entrusted to his execution, and in relieving himself from such a burden, he had the satisfaction to reflect that during the five years in which he had exercised it, not a single instance of abuse had been laid to his charge. It was true that the mere circumstance of an abuse of the power would not have been conclusive against the propriety of the measure itself; but it still would have naturally enough indisposed the house to afford a too great facility for its re-enactment. It was also due to his predecessor to state, that he had only resorted to the measure five or six times, so that altogether its extraordinary powers had been but rarely brought into operation. The single case in which he had been himself under the necessity of applying it, was not at all of a political character—it was where an individual had threatened to resort to personal violence against a foreign

ambassador, in such a manner as to induce a rationally-grounded expectation that he would, if left unrestrained, have carried his threat into execution; and he really believed that it afterwards proved of great advantage to the individual himself, that it was not left in his power to offer the violence he had premeditated against a high public functionary, who was undoubtedly entitled to all the protection which the laws furnished, while he resided officially in this country. The act which he meant, on the present occasion, to propose in the place of the alien act, was intended not as a temporary, but a permanent law; and it merely required that every alien should upon his landing in England, under a certain penalty for omission, be compelled to give a true designation of his name, and place of intended residence in this country, and that the Secretary of State should also have the power of requiring a renewal of this registration of names, at certain intervals, while the same parties remained in England. He certainly should not consent to part with the power conferred by the alien act, if he had not observed the conduct of the aliens, and he had not the smallest idea they would abuse the new privileges (for such they might be called) which were about to be conferred upon them. Many of the foreigners who were now in this country had been compelled to seek its shores, in consequence of the intestine troubles and dissensions which unfortunately raged in their native homes. They had here, he was glad to say, found an asylum, and received the generous and humane sympathy and assistance of all parties (hear, hear). It would, therefore, be a bad return for British generosity, were they to make this land, where, under their misfortunes, they had sought and found a resting-place, the scene of cabals or conspiracies against their own governments, while Great Britain was in alliance with them. If, however, (which he had no reason to anticipate) these foreigners should hereafter by their conduct defeat his sanguine expectations, then he should feel no hesitation in calling upon parliament for a renewal of the alien bill. He did, however, hope that such a step would be unnecessary, and it was therefore with the greater cheerfulness he consented to relinquish a power, which he had the consolation of feeling had passed through his hands without abuse (cheers).

*Lord Althorpe* congratulated the *rt. hon. gent.* on the liberal course which he had just taken, and expressed his perfect confidence that no inconvenience whatever would arise from the expiration of the alien bill; but that, on the contrary, the relaxation of such a system of uncongenial policy would operate beneficially for the country.

*Mr. Hobhouse* begged to express his entire concurrence in the opinions which had been just expressed by his noble friend; and he was quite sure that the proposal of the *rt. hon. gent.* would be hailed with gratitude, not only by those in that house, who were, upon constitutional grounds, the opponents of the alien bill, but also by the friends of just and liberal principles in every quarter of Europe (hear, hear). Indeed, he believed the Government were hardly aware of the extent of benefit they were conferring by the abandonment of this measure. The alien bill, whether in actual or threatened operation, was always reckoned by enlightened foreigners as one of those measures by which



England had suffered herself to become connected with the arbitrary system of the continent. He could assure the right hon. gent. that every intelligent traveller who had visited other countries was impressed with the prevalence of this belief. The abandonment, therefore, of a system so abhorrent to the principles of the British constitution, would be hailed all over Europe as the principal step (in conjunction with those other liberal measures which had been lately taken by the Secretary for Foreign Affairs) on the part of Great Britain to return to her ancient and better policy—that policy which had so long made her, and through a bright succession of years of triumph also, the protectress of the oppressed, and the great patroness of public liberty all over the world (hear, hear). Before he sat down, he must say, that he could hardly find adequate terms in which to express his gratitude to the rt. hon. gent. for the course he was about to pursue on the present occasion.

Sir R. Wilson did not rise to detain the house while he paid a tribute of justice to the rt. hon. gent. (Mr. Peel). But it was due from him (Sir Robert) to say, that not only had the powers of this bill not been abused during the administration of the rt. hon. gent., but he could from his own personal communications bear testimony, that he had upon various opportunities found him most anxious to do justice to the claims of foreigners, and correct most rigidly any tendency to abuse on the part of the subordinate agents, who had to execute some of the provisions of this bill. He had always found the rt. hon. gent. most desirous of respecting the rights and interests of these proscribed individuals. There was one point which he wished to notice, respecting the proposed registration of the names (a measure to which he had in itself no objection). In times of political troubles abroad, when individuals were more likely to seek shelter here, they were often compelled to adopt new names, to escape the vigilance of their persecutors. In such cases he was desirous that the foreigner upon his landing should be empowered to give his real name, and that in so doing he should not be exposed to any troublesome delay or reference, on touching the shore of this country.

Mr. Peel, in reply, said he saw no objection to such an arrangement as that the foreigner should be empowered to give his real name (confidentially) to the officer on the coast, who would have to register it (hear, hear).

In answer to a question from Mr. R. Smith,

Mr. Peel said, that he had never permitted the names and address of aliens to be disclosed from the Alien-office to applicants.

Leave was then given to bring in the bill.

#### CONSTITUTION.

##### *Representation of Edinburgh\*.*

THURSDAY, APRIL 13.—Mr. Abercrombie, in moving for leave to bring in a bill to amend the representation in parliament of the city of Edinburgh, commenced by assuring the house that the course which he proposed to take was the result of anxious and careful investigation. An election of members for Edinburgh by a body of only 33 voters out of a population of

100,000 people, was not a state of things which could be openly defended; and therefore the object of its supporters had been to excite alarm by misrepresenting the motives and intentions of those who desired to change it. He was ready to confess, that if he succeeded as to Edinburgh, he was so far a parliamentary reformer, that he should not be inclined to rest there, but should endeavour to extend the same advantages which would then be procured for the capital of Scotland, to her towns and boroughs generally; but he did entreat the house not to be carried away upon this declaration by the clamours of the high anti-reformation party, who could never see any thing in the most obvious and necessary change but desperate and immediate revolution. He had preferred calling upon parliament first to attend to the case of Edinburgh, because that city had members for itself, and was not joined with any contributory borough. If the experiment succeeded in Edinburgh, there would then be the better argument for trying it in other places: on the other hand—and this fact ought to induce the anti-reformers to give their support to the measure,—if the project was tried and found to do mischief, those who now opposed it upon what they took to be the probabilities, would then have the plea of actual experience. For any charge which might be made against him of republican spirit, he repelled it by reference to the petition which he had presented. There was not one word contained in that petition which was not of the most respectful as well as of the most constitutional character; and the petitioners, after setting out their grievance, did not venture even to prescribe what should be the remedy. There could be no doubt as to the necessity of introducing some change into the representative system of Scotland, and especially of Edinburgh. He knew that it would be argued against him, that Edinburgh had prospered under the present system, and that no case of abuse had been shewn by him against the provost and town council in the exercise of their elective rights. He admitted the prosperity. But Edinburgh had prospered, not through, but in despite of the town-council, and against their most desperate efforts to prevent it. Since he first had the honour to sit in the house, a great many questions of vital importance to Edinburgh and its inhabitants had been brought forward in parliament. In one and all of those subjects the inhabitants of Edinburgh were found arranged on one side, and the town-council on the other. In every one the cause of the inhabitants and householders had prevailed, because the impartiality and justice of parliament had to determine between the parties. He was not bound to shew any case of particular abuse. All that was incumbent upon him was to shew, that the measure he proposed was safe, and well qualified to benefit the public. If it had been any part of his duty, he could have found a case sufficiently strong for the purpose. But his design was not to attack individuals, but to alter the system. Though the act of 1469 was passed to prevent election broils among the people, its intention was also to secure the fidelity of the representatives by making their election annual: but from the passing of that act till the civil wars, many laws had been passed to correct the gross abuses which the system had generated. In the reign of Charles II. the

\* See petition connected with this motion, ante p. 67.



abuses had again become formidable, and the subject of complaints so clamorous, that a royal commission was appointed, and the report of that commission found that there was great corruption and disorder in the borough, because of adventurers who squandered away their money in the purchase of votes. Little good was done in the way of remedy. At the revolution another commission set forth the same evils as abundantly arising from the same causes, and the Convention Parliament recommended as a remedy, what was called by them the only true and rational mode of free elections. Scotland in the following reigns became twice convulsed, and it was no wonder that during that stormy period nothing was done. From 1784, down to the present day, the subject had been forced upon the observation of parliament again and again. No remedy had been applied, and the evil remained as before. The people had been excluded from all control over those who managed their affairs, and the corporations had become venal and corrupt bodies, who had lost the confidence of the public, and were not worthy to be trusted with the powers and privileges which they held. This was not his opinion only. It was that of a philosopher, an enlightened author and a learned judge, who had thus instructed his descendants, and enlightened posterity upon the subject. "The greatest evil of all, respects the claims of some few men in the royal burghs to elect the representatives to sit in parliament." The passage was from Lord Kaimes, who described the excessive venality of corruption which had been introduced into those corporations. It would be objected to him, that any alterations of the rights of these boroughs would be an infringement on the articles of union. Let the house recollect what parliament had done in the case of the heritable jurisdictions of 1747, which had been most distinctly reserved by the articles of union, which were much more matters of property than the rights of the burghs, which were legally subjects for sale, mortgage, or the claims of creditors, yet parliament abolished them. It went farther; it re-organized the court of session, and established a mode of trial which before had been unknown in Scotland. He enlarged on the unmeaning dread entertained of the enlightened and educated householders of Edinburgh; as if they could have an interest in misrule, and as if, contrary to common and every-day experience, there could exist in the body of a well-ordered people any jealousy of those classes which possessed among them the greater part of the property of the country. Did not the example of England shew, that when people of rank, wealth, and talents, were proposed, the electors were always disposed to prefer them? Those who were hostile to radical or any other reform in England, ought to vote for reform in Scotland. Here there was, in particular cases, at least something like the representation and free expression of the public sentiment and opinion in parliament. In Scotland there was nothing of the kind. There was not one open borough, and popular election was altogether unknown. The most unjustifiable system of representation in a free government ever heard of was that of Scotland.

Mr. W. Dundas was not surprised that the learned gent. appeared now as the chosen champion of burgh reform. The learned gent. was himself a splendid example of purity of election.

Sm. 1826.

What was the shape in which the boon was proffered to Scotland? It was presented to them by the representative of the free and incorruptible borough of Calne. He it was who was to lead the way in beating down and trampling upon chartered rights, solemnly sealed, which had borne the test of ages, and had been sanctioned by experience: experience, too, of that prosperity which he feared not to attribute as having been brought about for Edinburgh by that very corporation whose rights the learned gent. would now sacrifice. He would himself object to any change in the system of representation. But if the house should at any time entertain a project for altering that system (and he should call that, indeed, "England's evil day"), he flattered himself that such had been the exemplary conduct of the royal burghs, that they would receive so much commiseration from the house, as to be denounced last. Let them not take this upon his word. About seven years ago a noble lord had moved for a committee to inquire into the representation of the county of Lanark. He succeeded in his purpose—he named his own committee, according to the courtesy of the house, of which privilege he very fully availed himself. What followed? The fullest inquiry was instituted, all the officers of the corporation were sent for, and a ship-load of books and papers was examined. The result was perfectly triumphant to the parties accused. No abuse was shewn, and therefore there could be no pretence for proceeding. Did the house ever pause—did it shew backwardness to punish venality and corruption—did it not rather lend its prompt and effectual assistance to drag the delinquent into the glare of day, and strip him of unjust advantages? Why should they now quit that fair and equitable course, and deviate with the learned gent. into a path of injustice? He was astonished at the comparison made between the right of parliament to interfere with the royal burghs, and the heritable jurisdictions. At any rate, he had an authority to quote of another description, which could not be thought a contemptible one by the house. In the debate on heritable jurisdictions, Lord Hardwicke had taken the distinction the other way, for he had classed the heritable jurisdictions among those things which might be altered, though he professed to hold most sacred the articles of union; and they differed in this respect, according to his lordship's estimation, from the royal burghs, which could not be subjected to new arrangement.

Mr. J. P. Grant denied that they were arguing a subject of personal right merely. These corporators were in possession of a right which they held as a duty and a trust for the public; or, in other words, if they held a private right, it resolved itself into a public trust. It was not contrary to the articles of union to inquire into, and modify the exercise of such a right. The very speech of Lord Hardwicke, to which the hon. gent. referred, showed the contrary. "The general provision of that treaty is, that the laws of Scotland shall continue in full force, as before the treaty, but alterable by the parliament of Great Britain; with this difference between the laws which concern public policy and those which concern private right,—that the former may be made the same throughout the whole United Kingdom; but that no alteration be made in the latter, except for the evident utility of the subjects



within Scotland? The rights and privileges of the royal burghs surely concerned the subjects within Scotland. He was entirely opposed to any general and sweeping plan of reform—because questions and rights of the gravest and deepest nature must somewhere or other be involved. But to this degree of reform, those who resisted it on every other occasion ought to agree. Whenever it was proved that corruption prevailed in any particular place, the right of the electors was so far diminished that they were only left to the exercise of it in company with many others who were admitted to the same right. In a recent instance the right had been taken away from the corporation altogether. In Scotland there was no such thing as a popular election. Why should they not seize the first opportunity which presented itself of giving at least one instance of an election where the people might have the power to make a choice (and he did not think that any place could be selected for the experiment better than the city of Edinburgh), and thus have the means of knowing practically what was the opinion in Scotland on the subject? But it was said that popular elections were attended with danger. If so, then England at the present moment was in a most dangerous situation, for her elections were of that character. In England there was representation of various kinds: from the interest of the aristocracy down to that of the lowest class of the people, all was represented; but in Scotland no one was represented. There was not even one member elected by the voice of the people throughout the whole country. Now, he thought it would be impossible even to govern Scotland otherwise than as a province or colony, until she obtained something like a fair representation in the Legislative Assembly of the empire. Such a representation was not only necessary for the interest of Scotland herself, but should be desired for the permanent advantage of the empire at large.

Sir George Clerk rose to protest against the doctrine which he had heard laid down, that the question before the house did not involve that of general reform; for when once the safeguards which protected the ancient rights and privileges of boroughs were broken down, it would be impossible to say where the work of innovation was to stop. As a principle, he begged to deny that the house ought to interfere with the rights and privileges of any corporation except in cases where those rights were abused by the great body of those by whom they were held. In England no interference with the rights of boroughs was ever attempted by parliament, except in such cases; and it was required that the clearest proofs should be given of venality, before the right of election was impugned. This was the principle adopted in the recent transfer of the right of electing two members from Grampound to the county of York. The house, therefore, ought not to set an example, for the first time, of interfering with the ancient privileges of a city, against the electors of which no delinquency had been proved, or even charged. Why should Edinburgh be the first to be thus interfered with? It had its peculiar mode of election. So had the cities and boroughs of England. He would admit that in Edinburgh the number of electors was small, but in some cities in England the electors were not more numerous.

Why, then, begin with Edinburgh? He, however, would contend, that there was no necessity of making the experiment at all, and that if they once passed the sacred barrier, they would find it extremely difficult to know where to stop. It had been asked whether any danger could be apprehended to the constitution from giving the right of election to the great body of the enlightened citizens of Edinburgh. He would answer no; but if they departed from the present mode, he did not see why suffrage might not be extended to all householders, and there were many among the reformers who would extend it to every man who had arrived at the age of 21 years. It would be much more safe not to interfere; for it would be impossible to do so even in a slight degree, without letting in the whole question of general parliamentary reform. If he looked at the state of Scotland—at the rapid advances she had made in the arts and sciences—at the great improvements in the moral condition of the people, he saw no ground for changing a system under which such a state of things had grown up. Upon the question before the house, a meeting had been held in Edinburgh, and a petition agreed to. He was in Edinburgh at the time the petition was in the course of signature; and he could state that the great majority of the inhabitants knew nothing about it. The learned gent. by whom the question was brought forward, had stated, that the reform which he proposed, was not intended to apply to any part of the kingdom but Scotland. That very limited range would not, he was sure, satisfy many of the learned gent's friends. They would have a much more extended kind of reform; and if this bill were allowed to proceed, there was no doubt the house would soon hear of other bills brought in to disfranchise Bath, Portsmouth, Salisbury, and other places, where the number of voters was but small. He would conclude by giving his decided opposition to the motion.

Sir R. Fergusson said, that the simple question was, what was the nature of the constitution of that house? Was it not that they sat as members should represent the people (hear, hear)? If any one held a different opinion, let him avow it. But if the constitution of the house was as he described it, it must follow that those who were returned by Scotland were not fit to sit there as members, for there was not one man among them sent there by the people (hear). Some were sent by small corporations, others by the holders of pieces of parchment, who did not possess a single acre of land; but in not one case was there an election by the people. Was this a state of things which should be allowed to continue?

Sir F. Burdett:—“On the former occasion, when this question was discussed, I felt great difficulty in taking part in the debate; not because I was not connected with Scotland, not because I was disposed to treat with disregard the petition of so enlightened and respectable a body as the inhabitants of the city of Edinburgh, but from a kind of feeling, that if I had interfered, the advocates of this question might have exclaimed—*Non tali auxilio*, rather than have accepted such feeble services as I might have been able to render them. But the question has been discussed this evening upon such broad and general grounds, that I now feel no hesitation in joining in the debate.



The conduct of the rt. hon. gent. (Mr. W. Dundas), who represents the corporation of Edinburgh, has undoubtedly been such as to furnish the inhabitants of that city with a cogent reason why they should persevere in that claim of right which, I am glad to hear, they are determined, by all constitutional means, to urge and maintain, because he has exhibited the zeal with which a representative will always defend the interests of those who are really his constituents (hear). Yet he could not deny that the system of representation in Scotland is, as a system complete in all its parts, a scandalous and unblushing violation of all the rights of the people, and directly at variance with the best interests of the country (hear, hear). A more flagrant usurpation of all that must be most prized by an intelligent population, I cannot conceive. It is a perfect machine of political corruption, in which public trusts are systematically abused to private ends, in a mode which I think it would have been difficult for the perverted ingenuity of man at once to have devised (hear, hear). Still I confess that on this occasion I feel less zeal than usual, because I own I do see that it is possible to support this particular question unconnected with the general question of Parliamentary Reform. I wish that every part and branch of that question could be indissolubly united, so that the whole people might be compelled, in the case of each individual grievance, to struggle for the attainment of that one great constitutional remedy for all our political evils. The case stated this evening by my learned friend (Mr. Abercrombie) is so complete and unanswerable, that it has remained, not only unanswered, but even unattempted to be answered. It is, in fact, like the political corruption of Scotland, a "perfect chrysolite," without flaw or blemish;

"Totus teres atque rotundus."

The enemies of every species of reform are, however, so keenly sensible of their situation—their consciences are so alive and trembling—that it is in vain to shew that the city of Edinburgh has claims of a peculiar nature, and not applicable to any other portion of the community. It is in vain to shew that they might, without inconsistency, do this act of grace; and politic and wise no doubt it would be, as a sort of compromise, by which they might fairly hope to gain time with regard to the general question of reform; it is in vain, I say, that this is made evident; for though the eyes of Argus were closed, one by one, by the pipe of Hermes, nothing can close the ever-watchful eye of corruption, or throw it off its guard for a moment, or prevent the still small monitor which disturbs its dreams from whispering fresh alarms, and startling it with the dread of that security which it well knows it cannot endure (hear, hear).—Talk to these gentlemen of one evil, and they meet you by mentioning the existence of twenty others: the hon. bart. (Sir George Clerk) does, indeed, admit that the case of Edinburgh is atrocious; but then, he says, that of Bath is quite as atrocious. I perfectly agree with him. Nothing can be more disreputable than that great and enlightened city, which is well entitled to send representatives to parliament, should be denied any share in the constitution of the country. The number of the corporation, by which the sham representatives of that city are elected, is

nearly the same as that which returns the mock representative of Edinburgh (hear, hear). But it is in this way that all complaints are met in this house. Let any case, however scandalous, be brought forward, twenty others, equally scandalous, are immediately cited as reasons why no reform should be attempted in any case, because it cannot be applied to every one. I trust that my learned friend (Mr. Abercrombie), who introduced this motion with a degree of good sense and temperate feeling which entitle him to the approbation of every honest man in the country, will receive the support of some part of his Majesty's Government: I have reason, I think, to hold this expectation, considering the measures of improvement on which they have lately acted in conjunction with what my hon. colleague (Mr. Hobhouse) has very appropriately termed his Majesty's opposition. Certainly a more honourable opposition, I believe, never sat in this house. I speak freely, for I am not attached to any party (hear, hear). I was addressing myself, however, to what I consider as the cork on which the administration swims—that which keeps it afloat in the public mind (hear). I hope to see those members of his Majesty's Government, to whom I allude, support the application of those principles which they have lately professed with so much eloquence in this house. I can hardly call the present an administration; it is rather two halves of one, drawing together like galley slaves at the same oar. They have not one mind or sentiment as to any one great question affecting the public welfare (hear, hear). What power keeps together so incongruous a mass—what Mezentius is able to *complexu misero*, to join them like the living and the dead, I cannot divine. Like *Caliban's* double monster, they have two heads and two voices. I know not what to call them. An administration they certainly are not in principle, though they are undoubtedly so in fact (hear, hear). I am now desirous to see whether these principles of philosophy, which have been justly represented as the only true grounds of public policy, and the only rule of wisdom, but which, I admit, may, in their practical application, be pushed too far, and should be followed at all times under the controul of reason; I am anxious to know, I say, whether the rt. hon. gent. (Mr. Canning) is now prepared in this case to carry into execution those principles which he has eloquently advocated? This learned, enlightened, and philosophical city has claims upon the friends of philosophy which they ought not to deny, and which I hope to find the rt. hon. gent. forward this evening to confess.—In conclusion, the hon. bart. called upon the rt. hon. gent. in the spirit in which he had reprobated the principles which had consigned Galileo to the dungeon, which, to use his phrase, had rolled back the tide of civilization—he called upon him, as he upheld that character which distinguished the man of wisdom from him who feared the light, to support a motion which, without his aid, stood on a firm basis, and which defied even his ingenuity to shake. If this motion should be rejected, it would shew the determination of the house to resist all improvement, and would compel men, when all rational hopes were destroyed, to go even further than their cooler judgments would prompt them. It would bring an united band to bear upon the general question of reform, which had been supported by every great man



who had lived in this country, and of which, the longer he lived, the more he perceived the necessity (hear, hear). If they refused the motion now, the house would, in the words of Lord Chatham, be assailed with a vengeance from without. This motion was brought forward in the fairest manner possible, and would, if carried, to use the expression of the same distinguished person, infuse new health into a decrepit constitution (hear, hear). If the house rejected the motion, the people of England, Ireland, and Scotland, might bid adieu to all reform from that house (cheers).

Mr. Keith Douglas could see nothing special in the case of the city of Edinburgh to call for the present motion. The gentlemen who supported it had not, in his opinion, made out any case to call for a particular enactment. He agreed with the hon. bart., it would be better to act on general principles than to legislate on partial cases.

Lord A. Hamilton:—The only argument that had been offered against this motion was, that it was contrary to the provisions of the Union; but this, in fact, was no argument at all, and could not be relied upon as a principle by which the opinion of the house should be governed. The union with Ireland, and the interference with heritable jurisdictions, had materially altered the question. The shutting out from the right of returning representatives to parliament so large a proportion of the inhabitants of the capital of Scotland, a city so highly distinguished by talent, science, and intelligence, was a monstrous injustice. If the house refused to act, the influence of education and the diffusion of knowledge, through mechanics' institutions, would compel them to do that which they now refused.

The Lord Advocate said he wished this to be treated as a British, and not merely as a Scottish subject. If a reform in the representation was to be attempted, he thought it would be but fair that the trial should extend to the whole empire, and not be confined merely to one of the weaker parts of it; for, unless it were for the purpose of effecting some such general reform, he could not discover on what principle the charter of a borough was to be taken from it, and the articles of the union violated, merely because it was imagined that its elective franchise might be placed in better hands. Where the elective franchise had been interfered with in England, it had always been on account of some corruption or very improper conduct in the parties who had the exercise of it; but against the borough of Edinburgh no misconduct had been, no misconduct could be alleged: its proceedings had been most closely examined into, and on that occasion the conduct of this borough had been found perfectly fair and unexceptionable. The persons who exercised the elective franchise in it, had done much for Edinburgh, they had acted most beneficially and liberally towards it. He believed the electors in this borough were less exceptionable than the electors of any other borough in Scotland; and it should be recollected, that although their number only consisted of thirty-three, still these thirty-three were chosen by a very numerous body. Neither were they all of the same political principles; six or seven of them, amongst whom was the convenor of the guild of trade, agreed in their political opinions with the hon. gents. who sat on the same side of the house with the noble lord.

He was convinced that the giving votes to all those who occupied tenements of the value of 5*l.* a-year, and which were, in fact, generally occupied by gentlemen's servants, would, instead of improving the representation, have a directly contrary tendency; and he was persuaded that if it were expected that the noble lord's motion would be likely to be attended with any other effect than the affording a subject for declamation, that all the respectable part of the inhabitants of Edinburgh would have come forward to petition the house against it.

Mr. Canning:—“Although it was neither my intention nor my desire to speak upon a question, with reference to which I thought I should best perform my duty by remaining a mere spectator; and although I have not found any thing in the observations, either upon the whole question of reform, which it is said by some to involve, or in the character of the arguments by which the particular measure is supported, which call upon me to depart from that course which I conceive to be the most expedient, yet, as I have been in some degree personally appealed to during the debate, I feel it necessary to trouble the house with a few observations. I have been called upon by the hon. bart. (Sir F. Burdett) to answer certain questions which have been proposed to me, connected with the general question of reform, and to declare upon what ground I can, in any consistency with some former declarations of mine on another occasion, oppose that degree of improvement which is supposed to be contained in the present proposal. This call has been undoubtedly made with great politeness, and in terms of more than ordinary, and, I fear, undeserved compliment; but, I confess, I am very much at a loss to understand the grounds upon which it is said I should give my concurrence to the present measure, or how such a character can be attached to my expressions, as to give reason for supposing that I am pledged either to this or any other more comprehensive measure of reform. It is perfectly true, that on the occasion alluded to by the hon. bart., I did make use of those expressions which he has taken as the foundation of his argument; and that I did state, in the language used by all men, when they have occasion to address a deliberative body upon any great question connected with policy or the public weal, that I would not resist change, merely because it was change; neither would I resist innovation, as innovation, provided they were accompanied by that degree of improvement and advantage which would sanction a departure from established order, and warrant the propriety of adopting them. I have often been accused of being incorrigibly and pertinaciously averse to a reform of any kind which I did not consider absolutely necessary and expedient; but I would even take a higher and more formal ground, and say, that I desire to be accused of resting my opposition to reform, not upon any times—not upon any circumstances—not upon its application to any particular places—not upon any events of a nature transitory and evanescent—but upon a decided, matured, and, I may say, unalterable conviction, that there are no grievances in the representation to be redressed; but that, if there are any grievances, that they could not be remedied without leaving us exposed to the chance of greater misfortunes and greater calamities.”



than could possibly arise from any of those evils to which we may be subjected by an endurance of our present grievances (hear, hear, from the opposition benches). I am not calling upon gentlemen to argue the question now; I am only stating fairly those principles which have been attributed to me, and upon which I still profess to regulate my conduct with respect to the question of reform; and I confess I am, I repeat, very much at a loss to understand how any inference can be drawn from those professions, which would warrant the assertion that I am bound to support it at this moment more than at any other period of my political life (hear, hear); and still less can I comprehend why it could be supposed I would support the measure now before the house, from any former declaration; for of it I do not hesitate to say, that if I had never opposed reform before—if I had never made any declarations which, upon every principle of consistency, and from the deepest conviction, I felt myself bound to support, still I would give this motion my most determined opposition (hear, hear). I consider it, whether I look to the circumstances of its introduction, or to the consequences which it professes to obviate, as being one of the most objectionable of all the measures of Reform which I have yet known submitted to this house. The noble lord (A. Hamilton) has said that he hopes I do not intend to rest my opposition to a reform in the Scottish burghs, on the articles of union; to a certain degree, I will admit that I do not. If, on other grounds, I could bring myself to think that a great and sweeping plan of reform, which would go to the reform not only of the Scottish burghs, but of the whole system of representation, in the empire could be made practicable and beneficial; and if these articles of union stood in the way of that general improvement, I would go with the noble lord in his view of the case, and say that nothing in that act with respect to a particular portion of the empire could be conclusive against the power and opinions of the legislature, when considering the advantages which would result to the whole community. But I think that no such good would result from any such sweeping or general reform; that the present motion would not do good, either as advancing the general question, or putting a termination to a particular abuse; and I cannot but be of opinion with the learned lord who spoke before me, that we are bound to oppose any experimental plan of reform when about to be applied to that party who is the weakest in the compact, and that she has a right to say, if there are any hazards attendant upon these measures, which we contend there are, try the measures first upon yourselves, before you subject us to its consequences, and do not select the viler vessel to make upon it a trial of your experiments. Since the commencement of the present debate I have had the articles of union put into my hand; and in them I find that the article upon the subject runs thus:—"And be it provided, that from and after this date no one shall be capable to elect or be elected a member of the parliament for the United Kingdoms of England and Scotland, except such as may have been capable to elect or be elected for the parliament of Scotland". Now I say, that as long as England preserves that state of representation which she possessed at the period of this Union, so long has Scotland a right to plead

that she should not be compelled to adopt any plans of reform which England may not think it expedient to try upon herself,—but if, I repeat, the whole empire was to be affected by any such alterations, then I would contend that Scotland could not plead this act of union in bar of the claims of that empire, for the purposes of universal benefit. I admit, with the noble lord and the learned mover, that speaking of Scotland only, and the parliament of Scotland, there may not be that popular election which would in other cases be desirable; but that, I contend, is no argument why we should force on Scotland a popular representation. Again I admit, with the noble lord and the learned mover, that there may not be, in speaking of Scotland and the parliament of Scotland, such an expression of popular feeling as might be desirable, and as would be perhaps procured from a more popular method of election; for I admit that no parliament would be, or ought to be, deemed a true representative of all the interests of the community, if it did not possess such an infusion of popular spirit and feeling as might contain, and as I contend the parliament of this country does contain, that expression of national sentiment, which answers all the high objects desirable in a deliberative assembly. But we are not arguing the question with regard to Scotland alone. I am not about to maintain that such an infusion would be necessary or desirable in every separate part as well as in all; but I am prepared to contend that, taking Scotland, with its representation, to be, as it virtually is, a part and parcel of an empire, in which so many classes of things and sentiments find, and must have, an organ of their opinions; it is fully and truly in possession of a representation of its opinions in the parliament of the kingdom. I do not mean to say, that if I were allotting the portion of representation, I would not give to Scotland a larger share of that popular infusion, which I consider desirable; but I do say, that the infusion of other parts of the empire, where the representation is of a character more popular, produces such a commixture in the general parliament of the empire, as I think sufficient to ensure all, even the highest, objects for which such a body may be desirable in this rich and populous country; and that although it may not possess all the advantages which may be thought attainable in theory, yet that I do not wish to touch that which I find to be of sufficient practical utility, for the sake of the theory, which may, after all, prove delusive. Be it remembered, that I do not call upon hon. members to agree with me upon this view of the question; I only state candidly and fairly what are my opinions, that I may not be subjected to doubt or misrepresentation (hear, hear, from the opposition benches). I say, that although I miss the public principles, as far as regards the kingdom of Scotland; yet that I am glad to find the other portions of the kingdom bring enough of the infusion and commixture of that principle, to atone for the want of it there, and to serve all the purposes of practical utility for which it is desirable (hear, hear). Let us for a moment consider the case, as applied to Scotland, in the view of public benefit. Have we any reason to believe that country to have been exposed to any difficulties, to have suffered any distresses, because the representatives of that kingdom have not been chosen with the same regard to the popular voice as in the elections



of this more wealthy and more populous nation? If we look to Scotland, can we say that in these times, when the whole empire has been flourishing, she has not advanced in power and importance? So far from that, I would say the very reverse is nearer the truth. She has even outstripped us in the race of prosperity, made advances to wealth and greatness, in a ratio much beyond those who enjoyed in its fullest extent, the benefits of free and uncontrolled election. There is no man who may not, either by personal inspection or from public documents, convince himself of the rapid advances which that kingdom has made, and is still making, in the race of improvement. The learned gent. has said, that he has been induced to bring forward this motion from the disparagement which has been thrown upon the character of the Scotch representatives. I own I have observed no shrinking—no awkwardness of feeling on their part; I have perceived no symptoms of that disparagement (a laugh). Whatever may be said of Scotch representation, it must be admitted that Scotland makes good her own (laughter). Whatever may be the grievances of which she complains, she cannot complain of this country having made any intrusion or any impression upon her representation—at least not permanently. There was, it is true, the exception of Mr. Fox, who, having been once rejected by Westminster, sought refuge in the arms of Kirkwall (a laugh). But I never heard of any southern invaders having made a permanent lodgment there—whilst they (the Scotch) are not satisfied with filling their own representation, but, besides, keep representatives in reserve for filling the boroughs of England (laughter). The very motion of this night proceeds from a gentleman who comes from that country; who has nestled himself in an English borough; and who having so nestled himself, undertakes with filial piety to reform the abuses in the representation of his mother country (cheers, and much laughter). For my part, were I an advocate for the measure of parliamentary reform, which I am not, I would move an amendment to the motion of the learned gent., and instead of a motion for “leave to bring in a bill to amend the law relative to choosing a representative for Edinburgh”, I would propose that “Edinburgh” be omitted, and that “Calne” be substituted for it (loud cries from the opposition of move, move). I am arguing the question upon the supposition that I was an advocate for the general measure of parliamentary reform; and if I were, I should certainly object to the mode of proceeding adopted by the learned gent., and should tell him, that if he were disposed to make an experiment of this kind, that he ought naturally to commence with a reform of the borough of Calne, as a place with the nature of whose representation he was more intimately acquainted. The objection to the elective rights of the Corporation of Edinburgh was, that there were but 33 electors. Why the number of electors in the borough which the learned gent. represents is still smaller, not smaller, perhaps, in comparison to the whole population of the place (hear, hear, from the opposition), but still there is a great disproportion between the body of the electors and the body of the inhabitants of the borough of Calne. I do not complain of this smallness, but I would say to those who complain of smallness as an objection to the exercise of elective rights, “Look

at home before you go abroad” (hear, hear). If this objection is to be an available one, why select Edinburgh, when the learned member, by looking at home, would find a fitting subject for the experiment he proposes. If the paucity of numbers is to be taken as a test of insufficiency, why stop here? If such a motion were entertained, the house would be called upon night after night, to alter the law relative to this borough, and that borough, and they would be required thus to proceed, in a series of partial legislative measures, without end. I have now argued this question as it is connected with the place to which the motion has reference, and I shall briefly proceed to notice it, as it is connected with the more general question of parliamentary reform; and first, I would say, that this is the single instance in which the paucity of the numbers of the electors has been made a ground of disfranchisement—on every other occasion, it has been deemed necessary to allege and prove an abuse in the exercise of the franchise; and I contend, that without the proof of such abuse, there is no conclusive ground established for an alteration in it. The present question is one quite different in principle from the more comprehensive one, of which a noble lord (Lord John Russell) has given notice, and which will come on for discussion in a few nights: here the principle relates solely to the smallness of numbers; and is quite distinct from the measure of a more comprehensive reform, which should be adopted, in spite of all existing rights, for some great national good (hear, hear). That every partial interest should yield to so great an object, I admit—but though I admit the principle, I deny the advantage of its application to the measure of reform. As to the present measure of partial reform, although I will not say that cases may not occur to deprive a city or borough of its franchises, or to alter them, yet I do object to such a deprivation or alteration, without proof being given of abuses in the use of them. I do, besides, object to this motion, because it is the first time that such a change would be made on the ground that the electing portion of the inhabitants of a place is disproportionate to the bulk of its population—and because, by entertaining it now, a series of discussions leading to endless contentions and individual squabbles, would be let into that great question of parliamentary reform (for great I admit it to be) of which the noble lord (Lord J. Russell) has given notice for an early day. Sir, I prefer to discuss that great question on its own merits. The topics relating to it should be kept for the motion of the noble lord, and I hope they will be kept for discussion long after his time (a laugh). To the entertainment of this partial measure, I prefer that the more comprehensive one be submitted to this house for the purposes of declaration and of annual display. I shall be as well satisfied if the display be a triennial one (laughter). But as this is a measure which does not purpose even (if carried) to accomplish a national good—as it cannot operate even as an example in any useful way, but is one of individual injustice (individual not only as to the persons to whom it is proposed to apply, but also as to the instance itself); and as I look upon it, in every point of view, to be fraught with many evils and no advantages, I am determined to give it the most decided opposition” (loud cheers).



Mr. *Hobhouse* commenced by calling the attention of the house to the extraordinary doctrines which had just been laid down by the rt. hon. gent. The rt. hon. gent. had told them, that though a popular representation was good for the whole of the United Kingdom, it was still good for a part of it that some portion of its representation should not be conducted upon popular principles, and that part of the kingdom he subsequently admitted to be Scotland. He asked the house whether, by this species of defence, the rt. hon. gent. had not given them a character of Scotch representation which no Scotchman would be glad to recognize. Surely the rt. hon. gent. that evening had held up to the public view those shameful parts of the British constitution which, according to the advice of Mr. Burke, ought rather to be concealed than exposed. The rt. hon. gent. had likewise taunted the members on his side of the house with not bringing forward the case of the borough of Calne. Now there were many gents. near him who would vote as readily for an alteration in the mode of electing the member for Calne as they would for an alteration in the mode of electing the members for Edinburgh. It was unfair, however, to say that there was any thing parallel in the cases of Calne and Edinburgh. Was Calne a large town like Edinburgh, where 33 inhabitants returned a member to parliament to represent the remainder of its 130,000 inhabitants? The reformers had frequently been called on to abstain from general invective, and to point out a specific case of abuse. They had now answered that call, and had pointed out a gross case of abuse in the present instance. Could there, indeed, be a grosser abuse than that 33 electors should return a man who had no feeling in common with those who were styled his constituents, and who formed the most enlightened community in the British empire? They might call such a system by what name they pleased—but sure he was, that they could never correctly call it a representation. “But,” said the rt. hon. gent. “the system, such as it is, works well.” He denied it. That system could not work well which placed the member for Edinburgh in direct variance with the great majority of those who were misnamed his constituents, and of which loud and repeated complaints came from all parts of Scotland. The learned lord was even bolder in his assertions than the rt. hon. gent.; for he said, that the system not only worked well, but also gave full content to all the enlightened inhabitants of Edinburgh. He (Mr. Hobhouse) must be permitted to dispute this position. If it were true, how was it that the respectable inhabitants of Edinburgh solicitously seized every opportunity of disclaiming every act of the gentleman who was styled their representative? Let the house consider in how short a space of time all the talent of Edinburgh could be marshalled in array against any measure which emanated—he would not say from the administration, but—from the false system of Scotch representation which it protected. Did the learned lord mean to say that the *Jefferies*, the *Craigs*, and the *Murrays*, who were every thing when representing the feeling of Edinburgh, but would be nothing without it, were in favour of the present mode of electing its representative? The gentleman who now filled the situation of member for Edinburgh, represented not

the city of Edinburgh, but three-and-thirty individuals, who had peculiar interests to be furthered in this country—who made no appeal to the people or parliament of England—but who addressed themselves invariably to the Treasury, well knowing that so long as they kept up a good understanding with it, their cause would be treated with more attention than any of the public interests of the country. His hon. colleague (Sir F. Burdett) had called upon the rt. gent. (Mr. Canning) to act on this occasion in conformity with the declaration he had made on a former night, that he was not hostile to innovation, provided that innovation was productive of improvement. He was sorry that the rt. hon. gent. had not answered to that call. He declared solemnly, that he thought one of the greatest evils that had recently befallen the country to be this—that the rt. hon. gent. was so decided an opponent to the cause of reform. He believed, that had not the rt. hon. gent. laid down in early life, sentiments upon this subject, from which human frailty, or he ought perhaps to say the love of consistency, prevented him from now departing, he believed, he repeated, that with the power which the rt. hon. gent. now possessed,—he meant not the power of the Crown or of Parliament, but the power which the opinion of the people naturally gave in a country governed like England by liberal institutions,—we might have been able to look up to some individual to rescue us from the Egyptian bondage in which we were now placed. He said Egyptian bondage—for such it was—to be restrained in all our aspirations after freedom by a representative system which did not represent us. He had little doubt but that a time would come, when the rt. hon. gent. would be sorry that he had not made common cause with the people (hear, hear).

Mr. *Abercrombie* in reply:—“The rt. hon. gent. (Mr. Canning) has complained of Scotchmen intruding upon the representation of England, and has thought proper to select me as an instance of such intrusion. But, I will tell the rt. hon. gent. that, if I were one of those unshrinking Scotchmen, to whom he has alluded, I would not have found much difficulty in finding a place in the representation of my own country (hear, hear). It is because I am not one of that unshrinking class which he describes, that I did not find a place there (cheers). And is it because—not being one of that class—I was obliged to lessen myself to nestle (as the rt. hon. gent. terms it) in an English borough—is it therefore to be made a matter of charge and of taunt against me, that I give my humble aid here (and humble, I feel, that it is), in removing and healing the grievances of my native country (hear, hear)? The sentiments, and tone of the language of the right hon. gent. this night have indeed surprised me. The meaning of it is, that it might be well for other parts of the United Kingdom to have the advantages of popular representation—an infusion of popular feeling and sentiment into the representation of England and of Ireland, is good and wholesome—but there ought to be no infusion of it whatever into the representation of Scotland (cheers). Can there be a more flagrant proof of the necessity of a change in the Scotch system of returning members to parliament, than is to be found in the admissions of the rt. hon. gent. himself? or can any thing be more unfair, than that the member who proposes such alteration,



should be subjected to taunts as I have been (loud cries of hear, hear)? If any excitement was wanting to inflame and exasperate the persons, on whose petition this motion is introduced, it is contained in the speech of the rt. hon. gent. who tells them that the largest portion of the people in other places ought to enjoy and exercise the rights of representation; but that it is beneficial to them that those rights should be enjoyed and exercised by the smallest portion (hear, hear). If there be no other advantage to be derived from this discussion—this advantage is, at least, derivable from it—that the people of Scotland can no longer entertain a doubt as to the manner in which they are to be treated. The rt. hon. gent. the chief of the anti-reformers, has plainly told them the course intended to be adopted and pursued in their regard (hear, hear).—When measures of general reform were brought forward, the great change which they would effect was made a ground of rejecting them; and now, when a partial measure was proposed, when reform was proposed on a small, safe, and gradual plan, it was rejected, because it was not a general measure (hear); the plain meaning of which was, that there was to be no redress of grievances—no favourable entertainment of any measure relating either to general or partial reform (cheers). The people of Scotland, however, now know what they are to expect—they are apprized of their fate—they are made sensible of the disposition and intention formed towards them, and they know, too, that there is power to back that intention. Whether with this knowledge, and under these circumstances, they will persevere in their present course of pressing for reform, or whether they will unite their exertions with those of the reformers of this country, in procuring a measure of general reform, it is not for me now to decide; but of these two things I can confidently assure the rt. hon. gent.—first, that the speech which he has pronounced this night will not induce one man in Scotland to surrender his opinion and conviction, as to the necessity of reform; and secondly, that that speech will have the effect of not only continuing those who are anxious for reform, in their present sentiments, but that it will be the cause of gaining many thousands to their side; and of confirming them in a tenfold determination to increase their exertions for the attainment of that great object (loud cheers).

The house then divided. For the motion, 97—Against it, 122—Majority against the motion, 25.

### *Representation of Yorkshire.*

THURSDAY, APRIL 20.—Mr. S. Wortley moved for leave to bring in a bill to regulate the manner of taking the poll for the election of a knight of the shire for the county of York.

Mr. Hume inquired of the hon. gent. why the poll might not be taken in every parish, instead of drawing all the electors to one place? This, he thought, would be a very good opportunity for trying the experiment, and preventing the repetition of those scenes which had occurred at former elections. Had the hon. member any objection to try the experiment?

Mr. S. Wortley had a great many objections to such a proposition. The object of the intended bill was merely to increase the number

of booths in which the poll would be taken, from 15 to 30, as the former number would be inadequate to the purpose.

Mr. Sykes said, it was quite impossible for them, in the awful moment of their dissolution (a laugh), to consider, much less to carry such a measure as that which the hon. member (Mr. Hume) proposed. He felt very great satisfaction at the motion of the hon. member (Mr. S. Wortley); for, from practical experience, he perfectly well knew that it was wholly impossible to poll the entire county of York within the restricted time, unless the booths were increased in number.

Lord Stanley observed, that the presence of the candidate was of great importance during the progress of an election; but if, as the hon. member (Mr. Hume) proposed, the election was to be carried on in every parish at the same time, he knew not how the candidate could meet the electors.

Leave was then given to bring in the bill.

### *Reform in Parliament.*

THURSDAY, APRIL 27.—Lord John Russell:

—“I rise, sir, in pursuance of the notice which I gave some time ago, to bring before the house the very important question of Reform in Parliament. As the motion with which I intend to conclude is precisely the same as that which I have twice before submitted to the house, I had almost determined to rest my case on the reasons and arguments which I had before adduced. But, sir, the question seems to me of such paramount importance to the best interests of the country, that, although I do not think it possible to add to the arguments with which it has been pressed upon your attention before; although I believe the necessity of the reform which I propose to have been proved beyond all fear of contradiction; yet I do think it my duty again to state those reasons, which would justify the consent of this house, and which, in my opinion, so far from implying any thing like degradation in that consent, must be found to be accordant with the principles of sound policy, plain and intelligible to every mind which has not been influenced by interest or prejudice—carrying conviction to every heart that has not been subdued by the fear of innovation, or the love of corruption. The ground upon which we, and upon which I have always maintained the propriety of reform is, the absolute necessity of every government accommodating itself to the existing state of knowledge and intelligence in the country over which it is destined to preside; and so forcibly does this appear in every nation of the world, that even in Turkey, where the grand seignor may, according to the constitutional law of the empire, cut off 11 heads every day, he dare not omit the ceremonial observance of making his appearance every Friday before the people. I have heard it stated from the other side of the house, and admitted from this, that the country has arrived at a pitch of knowledge and intelligence never before equalled. It possesses at the present moment a class of men, whose advantages of education, of experience, of information, render them fit, beyond all others on the face of the earth, to understand and appreciate the power requisite for the proper manage-



ment of public affairs; and the numbers possessed of this extent of intelligence are greater than ever existed at any period upon record. On a former occasion, when I submitted this question to the house, I shewed, from numerous details for the last thirty years, which I think cannot be questioned, and which I do not think it necessary now to repeat, that intelligence had thus increased; and I think I may take it as admitted, that a people more capable of estimating the powers, and exercising the franchises of freedom, never existed before. I then showed, from an examination of the composition of the house, that so far from its being a representation of these portions of the wealthy and educated of the community, it was composed of persons returned for the most part by the least numerous class of the people; by persons avowedly the poorest and the most ignorant; or by a few others of great wealth and power, who nominated whoever they pleased to form one of the council of the nation, and who had thus reduced the representation to a state infinitely more confined and less popular than it had been even a century ago. I do not mean to state that the representation in this country is so totally destitute of popular infusion as that on the other side of the Tweed—undoubtedly the popular principle exists in many places—but I said before, and I say now, that that popular principle exists in a degree so limited and so insignificant, as to be altogether ineffectual; and that, whenever there is a question between the opinions of the people and the continuance of the abuses of the Government, the representatives of the popular principle are always overpowered by those who come into parliament, either upon the nomination of a few powerful individuals, or upon the strength of that exertion of money and address, which may be best comprised under the expressive word—*bribery*. Now, if this be the case; if the people have advanced to a state of knowledge and refinement, such as has been described and admitted; and if the house which was supposed to represent them, has become so vitiated and corrupted, that instead of being the organ of the larger and best informed portion of the people, it has become the instrument of the few; then, I say, there is such a discrepancy between the representatives and the people as ought not to be allowed to continue, but which, if continued, must, in my mind, sooner or later, be productive of the greatest calamities. In point of fact, indeed, no man ventures to say that this house is constituted of members representing the popular voice, or that it is not composed, on the contrary, of men nominated by a few, or elected by a select body; nor does even the *rt. hon. gent.* (Mr. Canning), who has been the constant opponent of reform in all shapes and at all times, seem to have taken that ground, or to have ventured to assert that it is so constituted. Having arrived at this point, I say we have a right to demand a reform of our representation, as much from the necessity of conforming to the advances of knowledge and the progress of power, as from the propriety of returning to those principles from which we have departed, and which are to be found in an examination of the history of our Constitution. Let us look at the very origin of that parliament which we are now called upon to restore. When Edward the First called together the first regular parliament which we find on record, it consisted of

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knights, the representatives of counties and burgesses, the representatives of boroughs—the knights being undeniably returned by all who were freeholders of land. I know, that some years ago it was asserted, that they were elected by those only who held in chief from the Crown; but recent researches have clearly proved, that those also voted who held from the great landholders; and so widely extended was the privilege, that in the reign of Henry the Sixth it was found necessary to pass an act for the regulation and restraint of the vast numbers who were led to collect themselves together upon the occasion of electing a knight of the shire. Then, as to the burgesses, by the ancient writs, the sheriffs are desired to compel every borough to make a return which may be found able to bear the expence of maintaining members: these persons were not returned then, as now, by a few individuals; they were elected by all the inhabitants, and bound to express the wishes of those inhabitants, upon the great questions submitted to their judgment. The present Lord Chancellor, when the famous *Inverness* case was argued before him, stopped the counsel, who was about to go to some length upon the subject, by observing that there was no necessity for any proof of all the inhabitants being entitled to vote. When any borough, however, was found to be too poor to bear the expence of this privilege, the sheriff was permitted to excuse it from such return, and the right was transferred to some other place more populous and powerful, and better deserving of the privilege of having its sentiments represented in the national council. It has been suggested that a statute might be framed on this principle, of a transference of the right, and that the sheriff might be empowered to excuse boroughs in the same manner in our days, from the trouble of sending members to parliament when they were no longer of consequence enough to be worthy of such a dignity. But although I admit that the boroughs of ancient times might have thought it a very reasonable thing to be exempted from such honour, when they were compelled to allow their members a certain sum, by way of wages, I doubt whether they could be induced to believe it was any great boon conferred upon them now-a-days, when they not only pay no wages, but actually receive every six years, for the mere exertion of their privileges, as much money as enables them to endure with patience for the other six all the poverty, privations, and sufferings, consequent upon that falling off of their trade and consequence, which we should consider a ground for their exclusion from any further enjoyment of the right of election. What I have said shews, however, beyond question, that the members of the ancient parliaments were elected only from places of consequence. Our ancestors did not consider the members of such places as *Old Sarum* or *Gatton*, or some others I could name, as qualified to speak the sense of such large, populous, and wealthy places as *Leeds* or *Manchester*. And what, I ask, has been the result of this species of representation by these men, thus chosen from the whole body of the people? By them have the great principles of our civil and religious liberty been established. To them we owe all those advantages of government which distinguish us from the nations of Europe. *Art. hon. gent.* (Mr. Canning), to whose opinions I have referred before, has been pleased to say, that he knew nothing of

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these parliaments, but that they met for fourteen days, voted a subsidy, as they were commanded, and were then dissolved. I know not upon what authority the *rt. hon. gent.* made that assertion; but they never voted until grievances were redressed; and, in the time of Edward the Third, when called upon to vote away money for the public service, they had acquired a privilege of inquiring into pernicious councils, and obtained a declaration that no man should be injured in person or in property, save by the judgment of his peers; thus laying the foundation of every thing important in what we now enjoy. Their power, therefore, was real, and not virtual, and they exercised it for the lasting benefits of posterity; and if a celebrated modern author, who asserts that our ancestors purchased our liberties with their blood, had said that they purchased our liberties with their money, he would have made use of an expression equally forcible, and more correct. In fact, according to Fortescue, Comines, Lord Bacon, and every one who had written on the national character, we were remarked as a people distinguished from the French and all other nations of the Continent, by a sturdy race of yeomen, enlightened enough to understand, and free enough to assert their independence. In asking for a reform, therefore, I ask but for a restoration of our ancient rights.—I come now to a consideration of the objections which have been at various times urged against any reformation of our representation; and, first, I would notice one which our great opponent puts usually forth—the great prosperity we enjoy under the present constitution of the House of Commons. This is not a fair method of meeting the question. I have never put my calls for a reform of representation, upon any state of prosperity or adversity. I have always relied, as I do now, upon general principles. But if I had been disposed to depart from that course and meet the *rt. hon. gent.* in his own way, how often could I have found moments of pressure and distress, when I might have said, look at our situation now,—look at the consequence of the corruption which prevails in the election of members for this house. At the commencement of the present session the country was in great distress. Parliament was called together to devise a remedy for these distresses. A measure was proposed—while it was agitated in this house, the difficulties of our commerce and the distrust of our capitalists increased; when it had been in some measure disposed of, that distrust decreased; but the moment parliament was adjourned for the Easter holidays, confidence began to revive. I might say from this, that so slight was the confidence reposed in parliament from the defective state of its constitution—so little did the people consider its deliberations as likely to be productive of benefit to their interests, that the very idea of any attempt on their part to interfere in their concerns, was productive of nothing but increased difficulty and apprehension; but that the instant they adjourned, and ceased to excite alarm by their efforts to remedy our misfortunes, that instant things began to revert to their accustomed course. But I argue the question of reform on no such considerations. I consider the prosperity of this country to depend upon no measures which have been produced by the wisdom of the parliaments of the

present day. I consider it to be founded upon acts which have been passed from 150 to 300 years ago, and upon measures with which the representatives of our times have little connexion or concert. I consider it to rest upon protection afforded to property beyond what is found in any other country, and upon that inestimable privilege, the Trial by Jury. I would go farther, indeed, and affirm that the house is incapable of injuring the prosperity of the country in any material degree, or to any permanent extent. But I do not say that it may not, by imprudent meddling, do much to retard it. There have been acts which, if they have not injured, have, at least, checked the course of that prosperity. But I do not wish to argue upon such facts, because I do not wish to hold forth a hope, that, even if a reform took place to the utmost extent which could be desired, any set of men could be found whose councils would have the effect of preventing those revulsions of prosperity and credit to which all commercial states are liable, or who could produce an instant and infallible remedy the moment they were called upon to apply it. Another objection, which we hear frequently urged, is, that a reform, such as we desire, would be an infringement of property, and an invasion of vested rights. Now, though I consider the right of voting for a member of this house to be a trust placed in the hands of a certain body of electors for the benefit of the community, and can see no injustice which could be committed, if such places as were found unfit to use that right should have the power taken away from them; yet I am ready to admit the right of electing to be a privilege which has, by circumstances, become a pecuniary advantage; and, as I stated before on a former occasion, I am not unwilling to grant a reasonable compensation for any loss which may be suffered by a reform in the representation. When I say I would do this, I think I offer the very utmost which can be required. Let us only see how far this house respects the most sacred private right, when they interfere with the public good. Is a bill lately passed for the Manchester and Liverpool rail road, it was found that the road was laid down to pass over the grounds, and close to the house of an individual who had lately raised himself a mansion, to which he had retired under the expectation of passing the remainder of his days in ease and tranquillity. It might be supposed, that under such circumstances, parliament would have paused before it gave its consent to such an invasion of private property. But no; it gave consent, upon the plea of benefit to the community, that the trees should be plucked up, and all the improvements defaced, upon the offer of such compensation as might be considered advisable. In the same manner a bill had been passed lately for certain improvements in the city of Westminster. By that bill, an inhabitant of a house, with perhaps a prosperous trade, was obliged to remove, upon notice given to that effect. If he asked for compensation, a sum was offered, such as the commissioners considered sufficient; if he refused, he might go before a jury; but if he still considered the compensation insufficient—he had no resource; he was driven from his house; it was razed to the ground, and he was compelled to remove his business and his property from that situation, which had, perhaps, proved the principal



source of his prosperity. Are we to declare that the poor man in the Strand must sacrifice his right for an offered compensation, and are we to pause upon the rights of those who have no such claim upon us, and whose interests are so much more at variance with the benefit of the community? There is another objection, however, urged by the *rt. hon. gent.* (Mr. Canning). He contends, at all times, that, if we submit to this change, we must have a government of democratic tendency, and that we must, ere long, act over again all the horrors of the French Revolution. I agree, that if my plan of reform went to make the government wholly democratic, the objection would be of some force; but as I only propose a return to the original constitution, I cannot regard such an argument as any thing else than a sample of that species of declamation in which the *rt. hon. gent.* is but too prone to indulge. Let it be supposed that I was about to infringe upon the privileges of the House of Lords, and to diminish their influence in the constitution; such a proposal might doubtless affect the nerves of all who were interested in preserving the just balance of the constitution; but, suppose I only proposed to deprive that house of some encroachments upon the rights of others, or to bring the prerogative of the crown within its natural limits, I do not conceive that I should be accused of any violation of the constitution. In the same way, I ask only to place the House of Commons in the same state in which I have proved it always ought to have continued. As a last argument, the *rt. hon. gent.* asserts, that the House of Commons, as at present constituted, works well for the public—but I deny the truth of the assertion; I say it does not, and never did work well, and that if the system is pursued without any reformation, it will ultimately endanger the very existence of the government. With regard to the bullion question and some others, I do not mean to deny that the house may have decided as fairly and impartially as if it had been composed of the representatives of the people; but so, I beg to be allowed to say, would the Privy Council, or an assembly nominated wholly by the Cabinet, or any other number of well-educated or enlightened men, upon any question where there was no immediate contest between the people and the Crown. But let us recollect the decisions of this house upon questions where the interests of the people and the Crown differed. Let us look to those occasions, when the representatives of the people were called upon to resist profligate expenditure or controul mischievous power, and let the advocates of parliaments as they now are, say how the system worked then. Let them declare how far the opinions of the people at large influenced the decisions of the house upon such occasions as these. I have examined the details of the divisions in those particular instances, and I can assert, that although there might be a great majority against popular opinion, the minority was composed of a majority of popular representatives in favour of it—facts from which I draw an inference, which no sophistry can overthrow, that this house is not a representation of the opinions of the people; and that if it were such a representation, its members would not act in the same manner as those who now usurp the name. In making these deductions, I only calculated from my own memory and experience; but

Mr. Fox, and others, have made the same observations. Mr. Fox, in one of his speeches, asserts, that at the close of the American war, in every division against the minister (Lord North), five-sixths of those who voted with him (Mr. Fox) were popular representatives. On this, then, I would rest the arguments for the necessity of the measure. In going into the question on the former occasion, I had to show, that on all great questions, this house had acted contrary to the wishes of the people, and had increased the discontent and disaffection of the country. But it was thought necessary to apply measures of coercion on the occasion of that discontent. If those measures had not been abandoned, we should have been driven to the sad alternative of coercion by an armed force, or of having reform forced upon us by open violence. Now a new course has been adopted by ministers, and they are beginning to display a disposition to accede to the wishes of the people; but, in that very concession to popular feeling, I find one of the strongest arguments for reform, the measures having originally been suggested by those members who were influenced by popular opinions. As a confirmation of this, I would refer the house to a speech of an hon. member (Mr. Brougham) made in March 1817, and which ended with four resolutions—in the second of which it was stated, that the difficulties of our trade and manufactures were materially increased by the policy pursued with respect to our foreign commerce, and that a revision of this system ought forthwith to be undertaken by the house; in the third, that the continuance of those difficulties was, in a great degree, owing to the severe pressure of taxation, which ought by every practicable means to be lightened; and in the fourth, that the system of foreign policy pursued by his Majesty's ministers had not been such as to obtain for the people of this country those commercial advantages which the influence of Great Britain in foreign courts fairly entitled them to expect. These resolutions at that time were little attended to, and were negatived by a large majority, though, strange to say, since that period, a great portion of the time of the house had been taken up in acknowledging the truth of those very resolutions, and devising the best means of carrying the suggestions contained in them into execution. Though ministers have done much of late years to entitle themselves to the praise of the country, they would have done still more had they dared to act fully and freely upon their own views of public policy. It was a saying of Fontenelle, that if he had his hand full of truths, he would only let one of them out at a time. The course adopted by ministers appears to be founded upon a similar principle; for, after opening their hands so as to let out first one and then another beneficial measure to the country, they have suddenly closed them, and stopped short in their career, as if they had some difficulty in going further. I suspect that if the new parliament should be chosen in the same manner as the present, those members who are returned to it not by the people, but by those who oppose themselves on all occasions to the people, will protest in strong terms against the liberal system of policy which ministers have latterly pursued. The *rt. hon. gents.* are placed in a situation of great difficulty; and the best mode of extricating themselves from it, would be by creating a certainty, that they would meet none but the real repre-



representatives of the people in the next parliament. If they meet none but the real representatives of the people in that parliament, and if they pursue the same liberal and enlightened policy which they have recently done, adopting firmly but cautiously such improvements as they think our institutions require, from such a parliament they may reckon upon meeting a certain and overpowering support. The plan which I shall now propose, will be to take a certain number—for instance a hundred—of the small and decayed boroughs, and to allow them to return only one member instead of the two which they return at present. The vacancy which would thus be created in the representation, would be filled up by adding to the number of representatives for counties, and also by giving the right of representation to the large towns which have grown up in different parts of the country. Whether such a plan is the best that could be devised, I do not know; but it will be of use in promoting discussion among the friends of reform. I am no friend to sweeping measures; I am an advocate for partial reform. As far as I can recollect, there have been only two plans of reform proposed in this house. Of these, one would reconstruct the house upon new principles, and the other reform it partially by infusing what Lord Chatham called new blood into the constitution. The latter plan I consider to be the wisest and the most salutary. It was that, of which Lord Chatham was the author; it was that which was adopted by Mr. Pitt, whilst Mr. Pitt was a reformer, in all the schemes which he had presented to the house for its reformation; it was that which was sanctioned by Mr. Fox in the various speeches which he made upon this important subject. During the French revolution, Mr. Fox appeared to go further than he (Lord J. Russell) was now prepared to go; but before that revolution commenced, and even at its commencement, Mr. Fox declared himself to be nothing more than a partial reformer. In the speech which that great man had made in 1793, on Mr. Grey's motion for a reform, he made use of the illustration, which has since been so frequently quoted, of building a house. His illustration was, that the most skilful architect could not build in the first instance, and at once, so commodious a habitation as one that had been built piecemeal, and gradually improved by successive alterations suggested by its various inhabitants. It is on the principles which have been recognized by such men as Lord Chatham, Mr. Pitt, and Mr. Fox, that I would build the reform which I have to propose. In the words which Fox used in defending Mr. Grey's motion for a reform, I shall conclude the observations I have offered to the house. "What the present motion recommends to the house, is not to pull down but to work upon our constitution, to examine it with care and reverence, to repair it where decayed, to amend it where defective, to prop it where it wants support, to adapt it to the purposes of the present times, as our ancestors have done from generation to generation, always transmitting it, not only unimpaired but improved, to posterity." I now propose, sir, "That the present state of the representation of the people of England requires the serious consideration of this house."

Lord Althorpe seconded the motion. He should not trouble the house further than to say, that in his opinion, the present state of the

representation was such that the people had not that preponderance in it which was necessary to secure them the certainty of being well governed. He did not mean to say that under the present system, they were not well governed—for able ministers could, if they pleased, govern a country well, no matter whether it had or had not a representative government. The grand characteristic, however, of a representative government was to have in its hands the means of good government at all events. In a House of Commons where the minority consisted of the representatives of the people, and the majority of the nominees of the borough-holders, such a power could not exist.

Mr. J. E. Denison declared that he had arrived at a conclusion directly the reverse of that which had been stated by the noble lord. The noble lord had called upon the gentlemen near him to enter upon a reform of the representation, because they had already entered upon a reform of many abuses. But their having pursued this course showed that the further reform called for was unnecessary, and that their resistance to the present motion was the result of sincere conviction. The house had already thought it requisite to lay aside the consideration of many questions, on account of the approaching dissolution. Now, it appeared to him, that no question could have been so well deferred as the present, affecting the right of suffrage which the people were soon going to exercise. If, then, the time for mooted this question were wrong, was there any thing in the peculiar character of the house at the present moment which rendered the discussion of it expedient? Was the present house more corrupt than its predecessors? He thought not. An hon. member (Sir F. Burdett) had stated, on a former evening, that he had never before sat with so pure and so honourable an opposition as he now found in the house; and he thought that the merit which the hon. member assumed for his political coadjutors, he (Mr. Denison) might also claim for his own. The division, which took place on a recent motion, which he thought might have passed without suspicion, proved that the influence of the Crown did not steal on the house unregarded and unopposed; and the motion which an hon. member (Mr. Littleton) had introduced to regulate the committees upon private bills, proved that they were not insensible to the feelings of the people regarding practical abuses. It appeared to him that a reform on principle must seek to render the system of representation more uniform than at present. He could only conceive two methods by which it could approximate to that of uniformity. One of them was, by extending greatly the popular principles of the constitution; and the other, by making the representative franchise dependent on the amount of property. They had at present examples of both these systems; and as experience was so unsafe a guide to act by, he would call the attention of parliament to their practical operation. In France, the elective franchise depended upon property, and in order to obtain it, a high average rate of property was necessary. In consequence of that state of things, the expression of the opinions of the lower orders of the country, which was so admirably heard in the House of Commons, found no entrance into the Chamber of Deputies. In order to proceed on the French model, the first step



necessary to be taken would be to disfranchise a large portion of the electors of the United Kingdom. Hon. gents. knew, however, too well the weakness of the French government, to wish to change the House of Commons, imperfect as it might perhaps be in some respects, for an assembly constituted like the French Chamber of Deputies. The other method which he had mentioned was that of placing the representative system on a popular basis, and of making it approach to what he would call a representative democracy. An example of this was to be seen in a country in some respects similar to our own—he meant the United States of America. In any observation which he made upon that country, he begged to be considered as making it without disrespect. An institution which might be advantageous there, might be highly pernicious here. Here we had a limited monarchy, on the principle of blending with it both an aristocracy and a democracy; there they had a republic on the basis of pure democracy. Whatever we had of liberty had been gradually won from the grasp of power; whatever they had of control, had been built up as a check against the licence of democracy. Making these and other allowances for the difference of circumstances in the two countries, a useful practical lesson might perhaps be derived to this country from the state of things in America. In America, there were annual parliaments, universal suffrage, with some slight modifications, and in many instances election by ballot. The consequence was, that from the manner in which their elections were conducted, not only did property lose its useful influence (which was not so important there as here, in consequence of its being more equally subdivided), but also it was less respected. Hence, in times of popular effervescence, and of excited political feeling, all the elections turned upon a single consideration alone. No man was returned without his giving some decided and devouring pledge. Not only did individuals sink under such a system, but whole parties were sometimes swept away by it. One party not only triumphed over the other, but in triumphing over it prevented it from giving expression to its opinions. The system, however, by some means, worked well in America; but though it worked well there, he contended that no argument could be deduced from it as applicable to England. In the several states of America, there arose practically, from its territorial divisions, certain checks, which existed here from other causes. At Washington the members for the different states met in congress, and the distinction between northern and southern states, slave-holding and not slave-holding states, was so strong and so productive of various conflicting interests, that no change took place in the general institutions of the union which was not a compromise, and all compromises begat moderation. Whether the representative system adopted in any one of the United States would serve as a system for the whole union, he could not pretend to decide; the experiment had never been tried. No reform would be considered satisfactory, unless it were a reform on principle, and no reform on principle could take place, except by one of the two methods which he had mentioned. For neither of them, though they might each be fair and specious in parts, would any gentleman consent to change the system, incongruous and impure though it

might be, by which they were that day assembled in that place. We had in our system the French principle of property acting with its natural and legitimate force, controlled, however, by a large infusion of the American principle of democracy, and that again checked by the salutary weight of the aristocracy, and by the general respect paid to the hereditary distinctions of rank and fortune. The House of Commons, as at present constituted, partook of all the changes of public opinion, as means were given for the introduction of all parties, and for the expression of all principles in it. He believed that to the admirable balance of the aristocracy and democracy in that house, the country owed much of its honour—much of its safety—and much of that distinction for which it was admired and envied abroad. It was owing to that balance that no one parliament deviated much from its predecessors,

—“neque enim plus septima ducitur uxor,  
At genus immortale manet multosque per annos  
Stat fortuna domus et avi numeratur avorum.”

He was not blind to the inconsistencies and incongruities of the present system; but in meddling with the complicated machinery of Government, he was afraid lest, in moving what at first sight appeared an impediment, he should destroy that which was in reality an important power. Our representative system was not constituted on the principles of Grecian uniformity; it rather partook of the irregularities of its old, native, and unadorned Gothic. On that account, he did not wish to be the first to introduce innovation, under the guise of reform, into its ancient but still firm and compact fabric. He viewed it with awe and admiration for the protection which it had afforded to the country amidst all the storms of foreign and domestic contention, and nothing which he had yet heard could induce him to raise his sacrilegious hand to mar it by any pretended improvements.

Mr. Ross opposed the motion. The present time was not that best suited for the discussion of this question. To introduce it at the close of the last session of the present parliament, was particularly unwise. Supposing the motion were carried, and it was agreed that a reform was wanted, not this session, nor twenty sessions would be sufficient to terminate the discussions which would arise as to its details. But he would spare all trouble about the details, by confessing that he would never give his assent to the principle: there was no increased influence either in the Crown, or in the aristocracy, which rendered a reform in parliament necessary; and the people were as duly represented under the present as they could be under any other system. There never was a period in which parliaments were purer than they were at present. Queen Elizabeth had committed members to the Tower because they questioned the extent of her prerogative. The Stuarts disregarded acts of parliament, and dispensed with the laws, whenever they thought fitting, by proclamation. The two first Georges effected by bribery, what their predecessors had effected by power. Great stress was commonly laid by the advocates for reform, upon the influence which the Crown possessed. The collection of the revenue, it was true, very often placed the officers and other inhabitants of



boroughs in some degree under the influence of the Crown; but it must be remembered that the emoluments of those persons were at this time very considerably reduced, and that while holding those offices they were prevented from voting in the election of members. A similar exaggeration was commonly resorted to respecting the power of the Crown by means of its patronage in the church, the army, and the navy. The Crown was possessed now of no more church patronage than it held at the time of the reformation, and he did not know in what manner the promotion in the army or navy could be directed more properly than by the Crown. With respect to members in that house, it was most unjust to insinuate that any hon. member would vote against his conscience because he received a salary under Government. But while it was attempted to be shown, that the power of the Crown had increased, could it be denied that the power of the people had increased to an immense degree? He would not have it supposed that he mentioned this circumstance with any thing but satisfaction. No man could rejoice more heartily than he at seeing the spread of information among the people of England. He saw in it the most effectual safeguard of the constitution and the strongest barrier against the encroachments of tyranny. The eyes of the people were open to the affairs of the state, and they took an interest unprecedented, perhaps, in any other period in the proceedings of parliament. Not a word was uttered within the walls of that house that was not immediately placed before the eyes of the people, and became the subject of their contemplation. But it was said that the aristocracy of the country had increased, and the power of that aristocracy along with it. He admitted that it was so; but he denied that any evil was produced by that circumstance. If the aristocracy had increased, it was reasonable that it should be adequately represented. He was glad to see the wealth and talent of the nation—the wealth which was the result of enterprise and industry, and the talent which also assisted in producing that wealth, as well as the property which had been handed down through a long line of ancestors—represented as they deserved to be in that house. The noble lord had in the course of his objections against the present system, spoken of certain boroughs which contained a very small number of voters. This came with a singularly ill grace from any member of that side of the house, and particularly from one the greater part of whose friends were returned for close boroughs. A considerable change would take place after a general election in the appearance of the benches on the opposite side, if all the boroughs which at present returned the members sitting there were as populous as Manchester. The majority of the persons out of the house who most loudly advocated the cause of reform consisted of that order of the people who were neither willing nor qualified to examine closely the real state of the question, but clamorously followed the specious objections which had been raised against the existing system of the representation. On the other hand, those who were most distinguished for the virtue and quiet of their lives, for the dignity of their characters, and for the splendour of their talents, were found to be opposed to the change which it was sought to introduce. He should be disposed almost to put the question on this single ground, and to ask the noble lord, whether he would be con-

tent with the approval of such men as he had first described, if, at the same time, he incurred the reprobation of the latter class. The measure of the noble lord only went half-way towards a remedy; and if it should be agreed to, it would, he feared, be looked upon by those persons who sought to overturn the most valuable parts of the constitution, as a signal for further encroachments; and the way once opened, even those whose opinions were moderate, and whose intentions were honest, would not be able to stem the progress of the evils which must ensue.

Lord Glenorchy said, if the proposition of his noble friend (Lord J. Russell) and those who voted with him, had been to change the present system for a democracy, the objections of the hon. member (Mr. Ross) might have applied; but the contrary was their object; instead of attempting to destroy the constitution, they only sought to preserve it. He could hardly hope, however, after the recent decision of the house respecting the representation of Scotland, that the present motion would meet with greater success. Those who opposed reform as a general measure, were in the habit of admitting that if any specific case of abuse should be introduced, the house would listen to it; and yet when so flagrant a case as that of Edinburgh was brought forward, they refused to interfere until some act of criminality was proved on the part of the electors. They were told, indeed, that Scotland benefited by the diffusion of the popular spirit which prevailed in England, and the whole argument of those who opposed the inquiry on that occasion was, that the sound part here made up for the bad elsewhere. No hope being left of obtaining redress in any case of detail, he was glad to see the present question brought before the house on general principles. It appeared to him in the highest degree weak and absurd to refuse to provide a remedy against an evil which might be likely to exist because it had not yet been felt.

Mr. Hobhouse:—"The hon. member for Newcastle (Mr. Denison) claimed the indulgence of the house, on the score of the infrequency of his interference in the debates of parliament. I must apply for the same favour upon exactly the contrary grounds—namely, the fact of my having often spoken before on the same subject; for I feel it a duty attached to all those who are returned by the popular portion of the constituency of England, to take every occasion of expressing their sentiments on this great question. As for what has fallen from the hon. member (Mr. Ross), he has certainly gone to his work with considerable boldness; he scorns a compromise,—difference with him does not lie in the shades of opinion,—he does not argue much, but he asserts roundly,—with him, reform never was, nor now is, nor ever can be expedient, or even sufferable. He despises all the phenomena of the times, or he draws from the contemplation of them an inference quite different from the rest of the world,—he feels it, no doubt, not a little magnanimous to run counter to the general march and progress of opinion; and whilst all the other luminaries of the firmament are moving in one direction, the hon. member ambitiously pursues the contrary career, and, like the Apollo of Ovid, proudly boasts—

*Nitor in adversum, nec me, qui cœtera, vincit  
Impetus; et rapido contrarius evehor orbi:*

for, sir, I assert that the course and current of



events lead to exactly the opposite conclusion from that to which the hon. member has arrived. I may also add without disrespect, that by that course and current wiser men than the hon. member have been borne away: and that I do not despair even of seeing him, at last, sagely yielding to the influence of the resistless stream.—The other opponent of the measure (Mr. Denison) is of another complexion,—he is more temperate,—he can bring himself to believe that a popular and purely democratic assembly may work well; nay he has confessed that, in America, it does work well. Sir, I attribute no small portion of that gentleman's liberal disposition to the part of his political education which he has lately received in America. But the hon. member must forgive me if I tell him that I think he has not carefully investigated the history either of America or England, if he attributes the free principles of government which prevail in the former country to any discovery made by the founders or the successors of the American Revolution, or to any circumstances which render that vast country the peculiar and favourite abode of a pure democracy: the Americans are our brothers; and it is but justice to the memory of those who were their and our common forefathers, to say, that the democratic principles which pervade and animate the whole American Union are of English origin. The great battle of American independence was fought to prove, that taxation without representation is a tyranny that Englishmen ought not to bear,—it was but the same battle, and the same victory, that had rendered for ever memorable the glorious Revolution of 1688. The struggle was in no respect different from that earlier resistance to arbitrary power which slavish historians have branded with the name of rebellion; and the real instructors, the real political sages, whose lessons inspired the Americans of the first congress with their resolution to die in defence of freedom and of a pure representative system, were the Cokes and the Seldens, the Pym and the Hampdens, who gloriously contended for that liberty at home, which their contemporaries, the first exiles, thought they could find only in the deserts of the Western world. It is, therefore, a mistake to suppose that the institutions of the Americans are so entirely the offspring of the peculiar origin, and manners, and position of that powerful nation as to render them inapplicable to the system of English Government: on the contrary, whatever is free, whatever is popular, whatever is essentially representative in their Government, is English; and if we desire to know what were the parliamentary principles of our forefathers, we have but to look at the *practice* of our American contemporaries. I think that the hon. member (Mr. Denison) has also made a mistake when he supposes the representative system in France to be formed on the basis of property, in contradistinction to the American basis of population. I own it appears to be so; but those who have visited France with the eyes of a Reformer, know full well that by a species of management, which it is not necessary now to explain, the Crown has contrived to get the elections, for the most part, into the convenient channel; so much so that, except in Paris, and one or two places where the electors can act in concert, the ministerial candidate is almost sure of success. In fact, the Bourbons have been wise enough to take a leaf out of our

book; the government by mere brute force has been found too dangerous—they now try the surer mode of corruption, and under pretence of giving to their subjects a representative system, make them consent to infringements upon their rights, and to exactions upon their purses, which could not be obtained by the old method of un-disguised despotism. The restored dynasty have made a surprising progress in this their holy work; and they have been enabled so to do, not because they have been aided by the aristocracy, but because they have no aristocracy to oppose them. There is not in France any body of men round which the people can rally themselves, and stem the torrent of power; and as the landed estates in that country are cut, as it were, into shreds and patches, and are undergoing a perpetual subdivision, there are no individuals of sufficient importance to make head against the dispensers of the favours of the Crown. Where there is the least show of opposition, every engine is set to work; and where corruption fails, open injustice is not unfrequently brought into play, in the mode adopted of selecting the returning officers, and securing the election of the Court candidate. Nay, even violence has been tried; and the removal of ferry boats, and the breaking down of bridges, have been the last resource, not of popular fury, but of ministerial manoeuvre. So that, although France does not enjoy our well-working borough system, she has arrived at the result of that happy arrangement; and, so far from returning a representation from the property of the country, may, in fact, be rather said to send to her chamber the representatives of the property and the influence of the Crown. Indeed, the opposition to the measures of ministers in France is extremely insignificant, when compared with that which sits on these benches. And here I must beg leave to correct a misapprehension of the hon. member (Mr. Denison). He objects to my hon. colleague (Sir F. Burdett) the having praised the House of Commons for its improving purity, whilst at the same time he calls for a reform. But my hon. colleague did not praise the House of Commons; he praised the opposition;—he said he had never sat down with so many honourable men, notoriously acting solely upon public principle, and swayed by no base motive nor selfish influence. This is very different from passing an eulogy on the House of Commons itself. Of that house, indeed, we may say that (without embarrassing ourselves with the questions put by hon. members, as to whether it be more or less corrupt than at former periods) it is quite as corrupt as any ministers can wish;—we may say, with Mr. Burke, who has been quoted on the other side, and who may be quoted for any side of almost any question, that “for any purposes of popular controul it is not a House of Commons.” These were the words of that politician;—what was true then is true now. I can hardly understand how any one should venture to deny the assertion: yet it is denied; and to my infinite surprise, the hon. member (Mr. Denison) has this night adduced the discussion and decision of the question relative to the increased salary of the President of the Board of Trade, as a proof that the people exercise a salutary controul over the deliberations of parliament. This appears to me the most unfortunate instance that could be selected for such a purpose; nor would it be easy to find a more complete illustration of the cor-



ruption of parliament, and of the necessity of reform:—for, in the first place, I contend, that, except to such an assembly, no minister would have dared to make such a proposition:—secondly, I must remind the hon. member, that the proposal, the ultimate abandonment of which he quotes as so creditable to parliament, was carried by a majority of Parliament, of which majority, by the way, he was one. In the third place, the said majority, being eighty-seven in all, was composed of thirty-eight members in receipt of emolument from office, and of ten others nearly connected with such placements; whilst only one English county member voted for the proposal. Is it possible to give a more unfavourable picture of the present composition of parliament, than that which this very majority presents to us? Is it possible to form to oneself the idea of a representation more corrupt and contemptible than this commanded vote affords? Even in another point of view, this very vote shows the necessity of reform; for the smallness of the majority is a sufficient evidence of the natural consequence which would result from a frequent recurrence to the people for the choice of their representatives. Would not that majority have been much greater had not this been the last session of the parliament? It is notorious, that those members who are in the habit of supporting Government, and are partly chosen by the popular part of the constituency, just at the close of their career, are apt to tremble at their approaching dissolution. After four or five years of submission to ministers, they no sooner see the immediate approach of their latter end, than they give some sign of grace, and bethink them of the account which they shall have to render at the day of popular judgment. They resolve to signalize their last moments by some virtuous deed; and like the repentant death-bed sinners satirized by Dean Swift, are eager to “make a sacrifice to God of the devil’s leavings.” Hence we had only one English county member bold enough to vote for what an hon. member called the Board of Trade job; and that fact alone speaks volumes in favour of one part of our reformation—I mean shorter parliaments. With respect, sir, to the peculiar mode by which the reformers would wish to carry their wishes into effect, I beg to assure the hon. member (Mr. Denison) that, when he says we can choose only from two schemes—the American basis of population, or the French basis of property, as he calls it (very improperly, I think) he little knows the variety of plans proposed by us for the accomplishment of our great object:—as for the French plan, as now managed, we certainly would have nothing to do with it. There are, however, many, many ways by which we think we can modify and mingle the two principles of property and population, so as to arrive at the result we desire—namely, a fair controul of the people over the measures of the executive. My noble friend, the mover, has his plan; I shall vote for that. My hon. friend, (Mr. Lambton) whose absence we so much deplore on this occasion, has his scheme; for this also I should vote: other reformers, and myself amongst them, have their peculiar notions on the subject; but I fancy, that the great mass of us in the country would consent to almost any change, from the conviction that the present state of the representation is the worst and most pernicious

that can be imagined. The first step we want is, that which the noble mover has proposed; namely, an acknowledgment by this house that some change is necessary, and will be made. This will, of itself, be a most important reform; and the inevitable consequence of this first step would, I confidently believe, be the attainment, at some time, of all we can desire. Let us but introduce the fine end of the wedge, and trust to us for getting in the larger end afterwards.—I perfectly well understand the meaning of those cheers from the opposite benches, but I am unconscious of having made any admission unfavourable to the cause which I attempt to advocate. Sir, it would be dishonourable; it would deceive nobody, if I pretended to say that I should rest satisfied with the scheme of my noble friend: all I mean to say is, that if the house should once be persuaded to entertain the principles of reform, I will answer for attempting, at least, to drive the measure home.—I will answer for the great body of the reformers doing their utmost to make the project effectual; indeed, why should they not? Why should they be satisfied with obtaining anything short of their object, when that object is in itself unobjectionable? But if there be any men here, or in the country, who presume to insinuate that our end and aim are not such as we pretend,—if they would insinuate that anarchy, and revolution, and spoliation of property be the real object of our endeavours, in that case I repel the charge with the scorn and utter contempt that it deserves. Have not the reformers as much to lose, by lawless violence, as those who uphold the present system? Indeed, they have, and, I believe I may say, more:—amongst the reformers are to be found the wealthiest proprietors—the greatest names—the most important citizens of this powerful community. Their high characters—their large possessions—the thousand ties that bind them to society, are pledges for the purity of their motives, and the sincerity of their professions, when they declare that they entertain no projects inconsistent with the good of their country, and the virtue and happiness of their fellow-subjects. The reformers can have no other wish than that which they profess; namely, to recover for the people that controul which is, by rights, theirs; and to give them, by restoring the House of Commons to its original purity, the only real security for their persons and for their property. They ask for nothing new. It would be a waste of words to recapitulate the evidence so often given here and elsewhere to show that the parliament, as now constituted, is a wretched and, comparatively, a recent innovation, which has been ingrafted and has grown on the ancient institutions of England, together with those two other much-petted and unnatural children, the standing debt and the standing army. Efforts to garble elections, and bribe or intimidate members, may, of course, be discovered in early times; but the House of Commons, as at present framed, and as at present working, whether for good or evil, is of comparatively a recent date; and the people have by degrees, and those not very slow degrees, been cheated out of their ancient privilege to return a parliament upon the old popular basis of representation—the communities of counties, and the communities of towns. And here I must be permitted to notice a most extraordinary position taken up by the hon. member (Mr. Ross). He contended, that a reform of parliament



would throw the elections out of the hands of the real proprietors of England into those possessed of no respectable means of subsistence. Strange, indeed, to be said by any one—and stranger still to be said by a member for Orford, in the face of so many county and city representatives, who have constituents. Did the hon. member never happen to hear, that the complaint of the reformers points exactly to the fact which he has perverted and enlisted into his singular argument? The great complaint of the reformers is, that the body of electors—that is, the body that votes for the majority of this house, are persons of no property—are persons whose abode is, or ought to be, the work-house,—who have no will—no power—no voice of their own,—who, when they solemnly declare that they give their *vote*, that is, their *wish*, for the candidate whom they choose, are guilty of the basest and most pernicious perjury,—who are the mere organs of others, and depending upon their masters for the rags they wear, and the scanty food they eat, and the wretched cabin that shelters them, have no opportunity, and scarcely, perhaps, feel an inclination, to perform the sacred duty imposed upon the real independent elector. The complaint of the reformers is, that, whilst such an unhappy, miserable part of the population hold the elective franchise, and use it not for themselves, but under the controul, and for the benefit of others, the real respectable citizens—the contributors to the exigencies of the state—the most valuable members of the community, who have given pledges of fidelity to the Government, and to the country, are not partakers of the privilege which alone can give them the means of protecting their property; namely, a share in the choice of the representation. We claim, for the opulence—the industry—the importance of such towns as Birmingham and Manchester, the rights now thrown away upon, and shamefully bartered by, the penniless, idle, insignificant vote-sellers of such boroughs as Orford. The truth, as it seems to me, is, that the arguments of our opponents furnish a decisive evidence of the character of the strange, anomalous system which they attempt to defend:—all the forms of parliament, suppose it to be free, and fair, and independent—all the facts pronounce it to be exactly the reverse in every respect. Our forms tell us that peers shall not interfere in elections—our facts inform us that peers return something very like a majority of the house. Our forms require that when a member accepts office, his constituents shall have the chance of deciding whether they like him as well in his character of a placeman, as when he was not a holder of office:—What do the facts prove to us?—that there is no real reference made to the constituency of the country; but that, by the easy machinery of rotten boroughs, or close corporations, the vacating the seat, and the subsequent re-election, are matters of form. Need I mention another glaring contrast between the forms and the facts connected with parliament. We have numerous statutes against bribery; and all our election-law is founded on the pretence, that there ought to be, and is, no undue influence in the practice of elections. What is more notorious than the disgraceful, wicked traffic by which all these statutes and laws are evaded? They have been, indeed, long evaded; and it is not now, for the first time, that good men have thought it far preferable that, if parliament is not to be reformed,

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there should be a repeal of all these election statutes. An illustrious member of this house, if virtue can make a man illustrious,—I mean Sir John Barnard, made a motion to this effect in 1754. He proposed that the bribery law should be done away with, as it gave rise to nothing but perjury;—I say the same as he did; and I add, that besides the perjury which disgraces the individual elector, there is a widely spread evil which afflicts the country, arising out of these violated laws; namely, the delusion which is thus spread over the whole system, and which would make an unreflecting, inexperienced man, believe that the true old principles of the constitution are carried into effect, and that the representation now returned to parliament is fairly, freely, and purely chosen. And this brings me to a topic that is called to my mind by what fell the other night from an hon. friend of mine (Mr. Hume), who, by some strange accident, is not now in his place. That hon. gent., to my great surprise, said, that if the opposition would but do their duty, some great results might be expected. Now, I class this sort of assertion amongst the delusions which ought to be dispelled, in order to enable the country to understand the real state of the parliament. I would ask my friend, what he means by the opposition doing their duty? I suppose he means, coming down in force, night after night, and voting upon every disputed question. I beg to ask, what would be the consequence of the opposition adopting this course of conduct? If the opposition came down in numbers every night, the ministers would come down in numbers every night;—if we were always here, they would never be absent: as long as the contest lasted, the majorities and the minorities would be increased, but the proportion would be the same—the decision would be the same. The experiment has been fully tried before—it was tried by Mr. Fox and the extraordinary men who were his constant associates; night after night, session after session, they came, and fought, and were beaten. It has been tried most completely by those who are around me, in behalf of the hon. member himself: he cannot have forgotten the sessions of 1821 and 1822:—they almost destroyed us;—we divided on every item of every estimate;—we were glued to these seats. The evening sun went down upon us in this hostile array; and when he arose in the morning, he shone upon our undiminished ranks. If ever opposition depised hunger and thirst, and watchfulness for conscience sake, it was the opposition that was led by my friend during those never-ending sessions. But were not the ministerialists equally on the alert? We had, indeed, the satisfaction of fatiguing them as much as ourselves, but that was all; and if we had our seventy, they had their hundred and seventy; and that very period was signalized by perhaps as pernicious and absurd decisions as ever disgraced a parliamentary session;—some little improvement in our financial statement—some few farthing reductions, long since repented of and repaired, we did indeed procure; but any thing like a real national or constitutional object, we did not, because we could not obtain. The machine worked as usual; the majority was greater than the minority; and if any serious effect was produced, I rather should be inclined to say, the effect was not beneficial; for foolish, unreflecting debate-readers, seeing

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a great deal said, thought a great deal done, by the opposition; and this house began to acquire a character which it did not, and never can, as now constituted, fairly deserve: so that I must really entreat my hon. friend never more to use the phrase of "the opposition doing their duty;" it tends to augment the great delusion, and nothing else. Better far to tell the truth at once;—no attendance, no efforts of ours, in this place, can make us a match for ministers;—I am not talking of the men, but their offices: let them become the opposition, and we shall know how to deal with them easily enough.—If we should be asked to select individual measures, I would undertake to mention a succession of follies and inconsistencies recommended by triumphant majorities at the time, but now so utterly decried and disavowed, that no one seems willing to confess he had any share in placing them in our statute-book. If there is any one department of legislation more than another which might be thought to be the peculiar province of this house, it is, doubtless, the financial; we are, constitutionally, the guardians of the public purse, and the habits of many of us ought to befit us for that duty. Now, I would ask, what have been our deeds in that department? Let me mention an instance or two of the wisdom of parliament in this respect.—First: is there any paradox so ridiculous, any false reasoning now so entirely rejected of all persons, as what was consecrated year after year, by majority after majority, relative to the old sinking fund? Mr. Pitt's compound interest, which would really swallow up the debt faster than was convenient for a commercial state;—Dr. Price's magical penny, which the revolution of not many ages would swell into a globe of gold larger than this earth; these monstrous absurdities formed the basis of financial law-making for more than the quarter of a century; and it was not until long after they had become the contempt of the nation, that their true character was discovered by this house:—it was not until the year 1819, that Mr. Vansittart, by asking for three millions of additional taxes, to create, as he said, a real sinking fund, proclaimed to the awakened parliament, that their old sinking fund had been a delusion, and the most pernicious delusion that ever distracted the finances of a state. I come next to the famous one-pound note and shilling resolution. This resolution was a solemnly proclaimed truth of the House of Commons of 1811; what is it now?—the standing jest of every speaker who is at a loss for an example of glorious absurdity; so much so, indeed, that the other night, the rt. hon. gent. (Mr. Canning) in a moment of kindness to the memory of a dear, departed, and translated Chancellor, declared that Mr. Vansittart, the propounder of that measure, was not the father of it, and that his reputation ought not to bear the load of that enormous folly. But, to come to our own more immediate days, I beg hon. gents. to recollect the circumstances connected with the adoption of the dead weight scheme, in 1822. When first propounded to this house, on April 29th and May 1st of that year, it actually met with no opposition; on the contrary, it was hailed with considerable joy, and, amongst others, by the member for London (Mr. T. Wilson);—more wonderful still, it was the subject of much panegyric from the lips of the President of the Board of Trade (Mr. Huskisson). In the succeed-

ing stages, some gents. (Mr. Brougham, Mr. Baring, Mr. Hume, and Mr. Ricardo) did point out the utility of the project, but the ministerial phalanx still kept firm to the folly. The first division shewed only thirty-five in the minority, against one hundred and fifteen approvers of the scheme; the second minority amounted only to fifty-four members:—no more divisions took place; and we, at this moment, suffer under that which is an universally acknowledged disgrace to our statute-book, and still give our sanction to a pernicious, perplexing juggle, of which the prime minister of the House of Commons (Mr. Canning) made, the other night, this ingenuous confession—that, for his part, he did not understand it. So much for the financial sapience of this house. If necessary, I could adduce many other instances of equal prudence in other departments, all tending to one melancholy fact, that the folly of the minister of the day is the wisdom of parliament. Let the man be ever so weak, and his project ever so unreasonable, he is still the dull divinity of the time, and his worshippers are no less numerous and devout than those of idols composed of more precious materials.

"Of whatsoe'er descent their Godhead be,  
Stock—stone—or other homely pedigree;  
In his defence, his servants are as bold  
As if he had been born of beaten gold."

Indeed, I have sometimes thought, that the less respectable the object of worship, the more zealous the enthusiasm of the worshippers. Perhaps there is fancied to be a sort of magnanimity and generosity in the attachment to an imbecile master; but, let that be as it will, the vote is as certain for the dullest, as for the most enlightened minister; and I have, myself, seen the largest majorities give sanction to proposals, recommended by speeches, received with the universal titter of the inmost rows of the treasury benches themselves. And how can it be otherwise? During the session of 1822, a return was made of eighty-nine members who sit in this house, receiving salaries, profits, and emoluments, to the amount of 183,372*l.*; and a return was also made of fifty-nine members holding commissions in the army and navy, of whom the pay was not stated. It is the fashion to say, that the impartiality of H. R. H. the present Commander-in-Chief makes it indifferent to an officer which way he votes;—I do not believe it; we have officers on our side the house, it is true, but where is the great majority of those holding commissions in the army and navy? Certainly ranged with ministers, and certainly amongst their most faithful adherents. Nay, I will add, that even those with whom I have the honour to be associated, do not feel themselves perfectly free agents when questions touching their profession come before the house; they cannot help recognizing the influence to which they are to look up for promotion; and they are, besides, bound together by that "*esprit de corps*," which prevents them from merging the officer in the member of parliament: exceptions to this rule there may be, but the usual fact is what I have stated. If, however, there should be any doubt as to the dependence of military and naval senators, there can be none as to the eighty-nine placemen and pensioners mentioned in the return. The rt. hon. gent. (Mr. Canning) complained the other night of the great scarcity of that de-



scription of gentlemen in this house:—allow me to ask him, how many would he have? Are not the eighty-nine enough? Add to these, that every actual heavy-armed placeman has one or two light-armed relations, on debates of emergency, usefully skirmishing by his side. That the eighty-nine are enough, we have the best possible proof. An analysis was made of the majorities and minorities on fourteen great questions discussed in the years 1821 and 1822; and from that analysis (which I hold in my hand) it appears, that the said eighty-nine, the salaried officers of the Crown, were the real combatants who gained the day in all those fourteen questions against the popular part of the representation. If this service was performed by the placemen now in parliament, an addition to their number would be a superfluous incumbrance. There is another most instructive deduction to be drawn from a similar analysis of the voters on thirty-six questions, in the same two years; the result is given in the following table\*.

| From. | Members who vote.                                  | For Abolition. | Against. | Both. | Not at all. | Total. |
|-------|----------------------------------------------------|----------------|----------|-------|-------------|--------|
| 40    | English Counties .....                             | 25             | 37       | 10    | 8           | 80     |
| 12    | Counties and 12 towns, in Wales ..                 | 13             | 9        | 1     | 1           | 24     |
| 39    | Cities and Boroughs where Election is open .....   | 57             | 107      | 5     | 11          | 180    |
| 134   | Cities and Boroughs where Election is close .....  | 151            | 41       | 5     | 38          | 235    |
| 2     | Universities .....                                 | 4              | 0        | 0     | 0           | 4      |
| 32    | Counties, and 66 Royal Boroughs, in Scotland ..... | 25             | 11       | 0     | 9           | 45     |
| 32    | Counties of Ireland .....                          | 21             | 14       | 2     | 34          | 64     |
| 32    | Cities and Boroughs of Ireland ..                  | 21             | 7        | 0     | 8           | 36     |
|       |                                                    | 390            | 226      | 23    | 89          | 658    |

The simple inference from which statement is, that, as far as the people (properly so called) return members to this house, they do attempt a control on the measures of Government, but that the Government is enabled to counteract all their efforts by the members who sit for those places where the election is in the hands either of one individual or a small portion of the community; and the conclusion from both of these examinations is, that rotten boroughs out of the house, returning placemen to the house, are the real basis of parliamentary power. I wonder that any should have the hardihood to deny the fact: it would be far more manly, far more sensible, to admit the fact, and to defend it. In fact, in this parliamentary Government there is no other mode of maintaining or directing power than that which was practised by the Walpoles and the Pelhams of other times; and what was done then grossly and openly, must be done now delicately and covertly. The vote is as venal, although the traffic is not quite so barefaced and undisguised. I call upon the past and the present Secretaries of the Treasury to speak fairly: they need not be ashamed; the sin is not theirs, it belongs to the system. I call upon them to confess, whether the compact phalanx which forms, or round which are formed, the majorities of parliament, is not kept together by favours either paid or promised—either enjoyed or expected;—I ask them, can any man pre-

sume to require the slightest participation in the good things which Government has to bestow, without giving a receipt in full at the table of this house, either in his own person, or in that of some near relation? The fact is too notorious to be denied; and I repeat, that those whose duty it is to manage these transactions, must have before them a most humiliating spectacle, when they become intimately acquainted with the petty wants, and the low desires, and the base compliances of those who ought to be the high-minded independent gentry of a free and fairly governed country. It is all in vain for the rt. hon. gent. (Mr. Canning) to tell us, as he did the other night, that he would scorn to govern by placemen—that he would scorn to govern, except through the just confidence of the country, expressed by an independent parliament. That rt. hon. gent. may, when he acts as he ought, obtain the just confidence of his country; but he knows full well the truth of what I have been saying—he knows that if he would wield at will what has been called the “fierce,” but which I would call the tame democracy of England, he must condescend to secure the usual support of parliament by the usual means—he must follow the example of his predecessors—he must do what was done before him, and what will be done after him, as long as the present system shall endure. In vain all his genius, in vain all his experience—in vain all his patient labour—in vain even that eloquence with which he delights his enraptured audience; they would be as but a feather in the balance, were the weight of ministerial patronage thrown into the opposite scale;—what was his fate once, would be his fate again, were he stripped of the robes of power, and reduced to charm us only by the naked graces of truth and wisdom. The rt. hon. gent. has furnished, indeed, several of the most striking instances by which we can form a judgment of the true quality of that influence which, and which alone, can be said to govern this assembly. Let me select one: on June the 3rd, 1822, the rt. hon. gent. being, at that time, in the simple capacity of one of the most brilliant and persuasive orators that ever addressed an audience, moved for a clause in the Corn Importation Bill, commonly called the Grinding Clause. The landed interest, by its loudest and most sonorous organ (Sir T. Lethbridge), complained that they had been “ground” enough already; but the Marquis of Londonderry, then manager of majorities, supported the clause, and the house divided—*ayes* for grinding the country gentlemen, 149—*noes* for not putting them between the millstones, only 41. On the 10th of June, the question came on again: nothing had intervened; but when the rt. hon. gent. moved the bringing up of his clause, the Marquis, the manager, declared against the proceeding, and without deigning to argue the question, recommended his rt. hon. friend to suspend his operations: but in an evil hour, the rt. hon. gent. forgot how those things are brought about here—he would accept of no compromise—he resolved to try his strength—he made a most ingenious speech—when, lo! the unhappy result!—under the wand of the manager, mute though he had been as Harlequin, the majority passed over to the other side—there they sat deaf as adders—they would not listen to the voice of the charmer, charm he never so wisely—the forty-nine were swollen to one hundred and sixteen; and, under the process of

\* This Table is extracted from a pamphlet by Mr. Marshall, called “Alphabetical List of the Members of the House of Commons,” &c. —Published by Miller, Fleet-Street.



the same enchantment, the hundred and forty-nine were reduced to a poor twenty-one—I myself being amongst them; so that I had the honour of finding myself in a sort of hackney-coach minority, cheek by jowl with the *rt. hon. gent.*:—and such would be his fate to-morrow, were he to drop down from the eminence where he now stands, to the position which he occupied on that luckless occasion. Perhaps I shall be told, that the reformers have made little or no progress in the attainment of their object. It is true, we are not so sanguine as to promise ourselves a speedy fulfilment of our wishes—we do not fix the day, or point out the precise period, which shall be illustrated by the great event which we, nevertheless, confidently anticipate; but we have still a rational, a well-grounded hope, that our object will finally be accomplished; and that, by perseverance, courage, and a well-regulated zeal, we shall at last triumph over the patrons and promoters of corruption. Sir, I have lived to see many surprising reforms, which had I dared to foretell, I should have been ridiculed as the wildest and most enthusiastic of dreamers—I have lived to see our jury system and our criminal code revised by a Secretary of State—I have lived to see the wretched fabric of commercial prejudice and antiquated policy overthrown by another minister of the crown—and, lastly, I have lived to see the important department of our foreign administration filled by a statesman who has burst asunder the bonds that chained us so long to the despots of the continent, and made this great country a partaker in the conspiracy against the liberties of mankind. Having witnessed this extraordinary revolution—having seen such unlooked-for changes, what is there to make us despair of bringing about that great reform which the best and the wisest of our countrymen have declared to be essential to our happiness and our permanent glory? I am sure that the wish for reform is daily gaining ground. It may seem too much to hope that those who now are in possession of the borough representation, and who, in fact, are the masters of the country, should be willing to diffuse amongst their fellow-citizens privileges which are now exclusively their own; and yet, such a self-denying ordinance would not only redound to the future advantage of these individuals themselves, but would be generous, and noble, and glorious beyond all the examples of patriotism. Nor need we despair—already have we seen some of that powerful body willing to consent to the honourable sacrifice.—The Russels—the Cavendishes—the Grosvenors—and the Vanes, have only to be joined by the other monopolists of the elective franchise, and the great object would be immediately attained. The same age would then witness the reformation of our jurisprudence—the adoption of a sound commercial policy—the recovery of that character which England so long maintained in the eyes of foreign nations; and, lastly, the establishment of that real popular control over the measures of Government, which alone can secure the continuance of all other advantages, and save us from a relapse into the miseries inseparable from a corrupt and delusive system of representation\*.

Lord Leveson Gower denounced the argu-

ments made use of by *hon. gents.* on the opposite side of the house, who gave their support to the motion. If the views of the *hon. member* (Mr. Hobhouse) were to be realized, he had no hesitation in declaring that they would tend to the ruin of the constitution, and the utter destruction of all that adorned it (hear, hear); and, in spite of the warnings and predictions of that *hon. member*, and the gloomy picture which he had drawn of the system under which we lived, he would still look up to that system for a continuance of those benefits and blessings which the country had heretofore enjoyed. If reference were had to the page of history, it would be found that the present state of things in this country was superior in every respect to the state of former times: and if the *hon. gent.* would look to other governments, the superiority of that of England would be manifest. He would not ask the question whether England was open to the charge of corruption in her elective franchise; and he could trace no link of connexion between the recent distresses of the country, and the question of parliamentary reform. Those who supported that measure were a party who, having little to lose themselves, were anxious to overthrow the present state of things, and rise upon the ruins which they made. Their object was to dispossess members of parliament, and to obtain seats themselves in the house. His noble friend who had brought this measure forward, had certainly supported his opinion by able, if not conclusive, arguments. But the influence of the press was a security against all apprehensions on the score of despotism or corruption. The changes which time had imperceptibly wrought upon the constitution of England, had only served to render the structure more venerable, and had taken nothing from its beauties. The lines written on a picture of the celebrated Sir Godfrey Kneller might with equal propriety be applied to the constitution of England:—

“More cannot be by mortal art express’d—  
But venerable age shall add the rest;  
For Time shall with his ready pencil stand,  
Retouch your figures with his ripening hand,  
To future ages shall your fame convey,  
And give more beauties than he takes away.”

Mr. William Lamb said, that the chief ground on which he rested his opposition to this measure was, that he could not see, nor had any person pointed out clearly to him, what real benefit could be derived from it. Giving to the noble lord every praise for the ability he had displayed, he could not pay him the compliment to take him as his guide in a course so doubtful, so experimental, and, he would add, so utterly unlikely to lead to the object which the noble lord had in view. The noble mover had stated, that he was not favourable to a democracy—the noble seconder had echoed the same opinion: and the *hon. member* (Mr. Hobhouse) had declared that he wished for nothing that could tend to revolution. Now, he would only say, in answer to this, that people did not always get what they wanted (hear). The question here was, not what gentlemen were seeking; but, supposing they got that which they sought, what effect such an event would have on the constitution? And his opinion was, that the alteration which was proposed would trench extremely on the no-

\* This speech is reprinted from the newspapers, and that published by Ridgway: London, 1826.



narchical portion of the constitution (hear, hear). He would not stop to argue, whether the influence of the democracy was too great or too little in the balance of the constitution. This, however, he would distinctly and decidedly declare—that, while he would do nothing to diminish it, he certainly would do nothing that could have the tendency to increase it (hear). In his opinion, all the advantages appeared to be on the part of the people. The press was generally in their favour, and most of the speeches which had been delivered this evening were, perhaps, intended to produce an effect out of doors (hear). It was said, that all those who appeared on the side of Government were influenced by corruption (hear). Every pecuniary motive, every worldly interest, was attributed to them, as directing their conduct. The hon. member (Mr. Hobhouse) had alluded to motives of this description as influencing the votes of those who generally supported the measures of Government. That hon. gent., however, could only judge from his own feelings. He could not know what were the motives by which the actions of members in the house were governed, and he had no right to impute to them improper motives. He argued from the uniformity of the votes of some gentlemen, coupled with the offices and salaries which they enjoyed, that they frequently voted contrary to their real feelings. If, however, the hon. gent. formed his judgment on that principle, he (Mr. Lamb) had an equal right to form his judgment, with respect to popular votes, on what he had actually witnessed; and he would say, that in the course of his parliamentary experience, he had seen many votes given, in conformity with the wishes of the people, which, he believed in his conscience, were contrary to the feelings of those who gave them (hear, hear). Such votes were not unfrequently given to prevent contests, to avoid a hostile feeling amongst electors, and thus to save expense. Viewing them in that light, he considered such votes to be just as corrupt as any that ever were given in support of the prerogative of the Crown, or in opposition to measures which were introduced by those who called themselves the especial friends of the people (hear). Let it not be supposed, however, that he preferred a despotic form of government to a democratic one. Far very far from it. But this he would say, that, in his view of the subject, the sultan of Constantinople, the sophi of Persia, or the dey of Algiers, was subject to a more efficient responsibility than the leaders of a democratic assembly (hear, hear, from the opposition benches, which were re-echoed by the members on the ministerial side). On the grounds which he had stated, he would seriously urge the house not to agree to this proposition. It was impossible for them to see their way completely through it; and so far as he could see, the effects would be most pernicious.

Lord J. Russell briefly replied.

The calls of question becoming general, the house divided.—For the motion, 123—Against it, 247—Majority, 124.

### *Bill for the Prevention of Bribery at Elections.*

THURSDAY, MARCH 2.—Lord John Russell said, that in rising to move for leave to bring in

this bill, he did not intend to trespass long on the attention of the house. In former days it had been found necessary (and he did not think it reflected much credit on the house) to impose upon a select number of their own body the task of deciding upon their oaths as to the justice of the complaints made to them, respecting the manner in which elections had been conducted. The remedy which had thus been applied, however successful, between party and party, regarding the interests of the public, was altogether deficient. There might be a corrupt election, and yet the committee appointed by the house could not apply the remedy which the case demanded. It might happen that there had been corrupt practices in which the petitioner had engaged, and which he was therefore afraid to bring forward, because he durst not stand the test which, in the committee, would be applied to him. It might also be the desire of the petitioner, who sought to set aside an election on specific grounds, to try another election, when he intended to practise those corrupt practices, which, if they were disclosed to the house, would defeat the return of his opponent. The remedy which he proposed to apply was this,—that when anybody complained of corrupt practices which had taken place in any election within six years, if it was thought that the petition made out such a case as was entitled to be attended to, the house should proceed in the same way as under the Grenville act, by appointing a committee of fourteen members, of whom the member presenting the petition should be one. This committee should be empowered to investigate the charges and other circumstances which the petition contained, and report their opinion thereon to the house. The house would see that what he proposed to effect by this committee might also have been done by means of a resolution of the house: but the petition was preferable, because it was the more usual form of bringing before the house grievances which required redress; and the precedent of the Grenville act convinced him that it would be better than any other he could devise. He thought it would hardly be said that the practices to which he had alluded did not require some new remedy; because they were known to prevail to a very great extent already, and because in all probability this year would, in many of the boroughs, give occasion to practices which were disgraceful to those boroughs, and detrimental to the interests of the public. On this occasion he augured more favourably of the success of his proposition, because he calculated on having in support of it an hon. gent. whom he could never yet induce to vote with him in favour of reform, although he (Lord J. Russell) had done all in his power to accommodate his notions to those of the hon. gent. He alluded particularly to the hon. member for Penryn (Mr. Grenfell), who, he found, had lately been addressing his constituents in language which favoured entirely his own view of this important subject, and which he would read to the house (hear, hear). The hon. member, whose talents would do credit to any place which might send him as a representative to parliament, and who had upon all occasions served his constituents with the greatest ability and earnestness, now found it necessary to address them in language to this effect. [The noble lord then read an address from Mr. Grenfell to the electors of Penryn, in which he an-



nounced his intention of withdrawing his name as a candidate to represent that borough in parliament, and stated as a reason for doing so, that he had been informed by some of his friends that he would not succeed in obtaining the votes of the electors, unless he should adopt practices to which they knew very well he would never submit (laughter). The hon. member reminded the electors that such practices had, upon former occasions, twice endangered their elective franchise, and on one of these occasions had exposed one of their members, who had adopted them, to penalties which had annexed a very disagreeable celebrity to his name (laughter). Now, the noble lord continued, if corruption so boldly reared its head, that the electors of Penryn had ventured to convey such an intimation as that alluded to in this letter to his hon. friend and their representative,—was it not time, he asked, that it should be put down? Was there any part of the house that would not concur with him in saying, that some remedy was absolutely necessary? He appealed to that part of the house which did not usually vote with him upon the question of reform, but which would not deny that if abuses existed they ought to be remedied. He asked them whether it was not the best and most satisfactory mode of proceeding, first to prove the specific grievance, and then to apply the remedy (hear, hear)? What he proposed to do was, if the committee should report that general corruption prevailed in a borough, that the house should proceed as in the instances of New Shoreham and Grampound,—that a bill should be brought in for disfranchising them; and then, as the nature of the case might direct, that the right of electing members should be conferred elsewhere. If the neighbouring hundred were a populous one, that the franchise should be transferred thither; but if the borough were a mean one, and the neighbourhood scanty, then that it should be transferred to some populous place in another part of the country,—to follow, in short, the example of that measure which had been proposed with respect to Grampound, the franchise of which was to be given to Leeds. The change which that measure had undergone in the House of Lords, giving it to the county of York instead, he thought was no improvement, but the contrary. In this manner, slowly, but effectually, as far as it went, would the representation of the country be reformed; and, to use an expression of a noble friend of his in the other house of parliament, the wool, the cotton, and the iron of the country would be represented (hear, hear).—The noble lord concluded with a motion for leave to bring in a bill for the further prevention of bribery and corruption in the election of members to serve in parliament.

Mr. Grenfell said, he conceived there was nothing in the address to which his noble friend had alluded, which was at variance with the opposition he had given, and should always, while he had a seat in that house, continue to give, to any plan of general or speculative reform.

Mr. Wynn admitted that it was the duty of the house to oppose as far as possible any practices which might tend to defeat the fairness and purity with which elections ought to be conducted. He objected, however, to empower a committee in the manner suggested by

the noble lord. He also thought that the expenses of the investigation would form another and a very serious difficulty. On the one hand, if the expenses were to fall on the parties preferring the petition, few persons would be found willing to bear those expenses for the sake of an investigation, the result of which could in no way benefit themselves. On the other hand, if the expenses should be paid by the public, that circumstance would give occasion to many of what were called "fishing petitions," in which the parties depended upon the chance of any evidence they might get, and without any previous authority, or sufficient ground for the proceeding. He also understood the noble lord to state, that the power of appointing the committee was not to be imperative on the house, but optional. He thought this was likely to give rise to very unpleasant discussions.

Lord John Russell said, he intended to propose that the expenses should be paid as in other committees, and that notice of the application should be given to the borough, who would be allowed to oppose by their counsel and agents.

Leave was then given to bring in the bill.

TUESDAY, MARCH 14.—Lord J. Russell moved the second reading of the bill for the better prevention of bribery at elections.

Mr. C. Wynn opposed the bill, as one which was not likely, in his opinion, to answer the end which the noble lord aimed at. As it seemed to him, the bill gave the house no useful power which, virtually, the house did not possess at present. The clause which provided that where petitions were presented alleging bribery, the inquiry should be at the expense of the public, he was convinced would be most pernicious. It would, beyond question, lead not to vexatious but to malicious charges; and for the bringing of such groundless charges, no penalty was declared. To the system proposed for choosing the committee of inquiry, too, he objected; the provision as to the appointment of the "nominee," was unfair; the nomination was, perhaps, the worst part of the existing system. Each party, in a petition of the kind in question, now named some one person upon the committee in whose discretion he thought he could confide; and that nominee invariably became what he should not be, a counsel in the case rather than a judge. But the noble lord's bill gave the accuser the power of appointing such a nominee, and withheld it from the defendant—an alteration which made that course partial and unjust, which (without having done ill qualities) was objectionable enough already. The hon. gent. concluded by expressing his opinion, that the house had already possessed powers amply sufficient to correct bribery whenever a case of that kind was fairly made out. He never knew an instance in which that house had failed to deal most severely with those against whom corrupt practices at elections were substantiated.

Mr. Warre was of opinion, that, in point of principle, no fair objection could be raised against the present measure, because they all knew perfectly well, that election committees were in the habit, under particular circumstances, of making special reports, the matter contained in which gave rise to ulterior proceedings. He could by no means go along with the hon. gent. who had just sat down, in his



statement that the law in its present state was sufficient to put an end to those corrupt and disgraceful practices which were known to be carried on in the course of some elections. The house ought to be allowed a more extended period than was now granted, for the purpose of hearing complaints on the subject of bribery and corruption. Reform was as much required amongst the electors as amongst the elected; and if the noble lord could devise a plan, by which notorious and scandalous practices of the sort to which this bill referred could be put an end to, a most beneficial object would be gained. In one or two boroughs those practices were notorious; and he conceived, if the provisions of the present measure hung over them in *terrorem*, it would produce a very good effect.

Mr. Lockhart denied that the house had, under the existing law, sufficient power to correct the evil which the present bill had been framed to check. The hon. gent. (Mr. Wynn) had not, in the course of his speech, denied that corrupt practices existed; and it was well known, that in some corporate bodies those practices were carried to an enormous extent. Surely such a system should be done away with.

Mr. H. Gurney objected to the length of time within which the bill allowed complaints to be made.

Mr. N. Calvert observed, that every means ought to be taken to put down bribery at elections. The right of voting ought to be considered as a trust, and not treated as if it were a property: and the moment the electors of any place were found guilty of corrupt practices, they ought to be disfranchised. The hon. gent. adverted to a case, in which it was clearly proved that the election of an individual was secured by a plentiful supply of new Bank of England notes, that individual being connected with the Bank.

Col. Davies said, that it was sufficient to remove a member from his place, and to seat another in his room, if the petitioner only proved that one or two persons had been bribed. Now surely, when that was the case, the house would not rashly infer that the whole of the electors were corrupt, and proceed to disfranchise them.

Mr. W. Smith thought that the evil which this bill was intended to repress required correction. Some years ago he had a negotiation for one of those open boroughs, as they were called; but when he came to inquire into the business, he found that the former member had promised 10*l.* to each of the electors, which debt had been left unpaid. Now, what was the new candidate called on to do? He was told, that he must put into the Post-office a certain number of 10*l.* notes, directed, under cover, to such and such persons, before he could proceed further (laughter). How they were to be afterwards disposed of, the candidate, of course, could not exactly say, though he could easily guess. Any person paying the least attention to election proceedings in many places, might perceive that corrupt practices were carried on, although, in most cases, they would find it difficult to bring the charge home to any individual.

Mr. Hobhouse said, an intelligence had gone abroad on this, as well as on the other subjects, which rendered it impossible that the law should be continued in its present state. He saw no

great force in the observations of the hon. gent. (Mr. Warre), that the electors ought to proceed to reform themselves; because it was evident, that if there were none to offer bribes, no person could be bribed. The house ought, therefore, to begin with those who were desirous of procuring seats in parliament. The law ought to be so framed as to make it impossible for any person to introduce himself into parliament by base and dishonest means. The state of the law was extremely imperfect; and in many instances the house had not neglected its duty, but was unable, in consequence of that state of the law, to perform it. There was a striking instance in that house, at the present moment, of the inefficacy of the law. A petition was presented against the return of a certain borough, and one of the individuals connected with that election was sent to prison, while the other took his seat in that house, where he still remained, although he (Mr. Hobhouse) could perceive little difference in the two cases. He knew not whether the noble lord's bill would have the effect which was contemplated; but he would support it, because he was glad to see the house taking any step on this subject, considering, as he did, that bribery at elections was the root of every evil which afflicted the country. After what had been said, he thought the house could not refuse to go into a committee on this bill. It was most notorious that corruption did prevail to a very great extent. There was a standing order of that house forbidding the interference of peers in the election of members of parliament; but it was well known that it was not regarded. He agreed perfectly in the statement contained in the petition of one of his constituents which he had presented last year, where it was clearly shown that this standing order was not attended to, and that the peers constantly interfered in elections. His hon. friend (Mr. W. Smith) need not have introduced to the house, the statement relative to the borough, the electors of which were to be paid up their 10*l.* arrears. It was not necessary to point out isolated cases, when it was well known that many gentlemen who sat in that house were only representatives of their own money. One individual (the late Mr. Ricardo), who had distinguished himself as much as any individual of the age, paid 1000*l.* a year to serve as member for a place (Portarlington) which he never saw. When he heard gentlemen congratulating each other on the purity of parliament, and gravely declaring there was no necessity for reform, he could not help thinking of the words of Cicero, when he said, "I wonder how one augur can ever meet another without laughing." In like manner, he (Mr. Hobhouse) wondered how, on such occasions, one member of parliament could look in the face of another without laughing. When the whole system was one great blot, he knew not where to commence the cleansing process; but certainly he always would support the efforts made by others for that purpose, although they might fall short of his own views and wishes.

Mr. F. Palmer was perfectly convinced that some sort of reform in parliament, for which the people had been calling for the last twenty years, ought to be introduced. The people looked to that house for such a reform; and he thought, that if the house did not reform itself from within, it would ultimately be reformed from without.



Lord *J. Russell* said, the statements which had been made this night, proved that some measure of this kind was absolutely called for. The general election was approaching, and no doubt could be entertained that bribery and corruption were now going on. This rendered it the more necessary to make a speedy alteration in the law. It was notorious, that the returns to that house were, in many instances, made in virtue of money, and nothing else. It was a remarkable circumstance, that when the hon. member (Mr. Grenfell) had apprised his constituents that he would decline making any advances to that borough, if likely to be attended with pecuniary expense, the solicitor of the Bank immediately went down to form a connexion with that place, where he was not at all known (hear). The noble lord then pointed out the inefficiency of the Grenville act (the provisions of which might be evaded by postponing the act of bribery until fourteen days after the election,) to meet the evil, and concluded by calling on the house to suffer his bill to be considered in a committee.

The bill was then read a second time, and ordered to be committed on Monday next.

FRIDAY, MAY 26.—Lord *John Russell*, agreeably to his notice, rose to propose certain resolutions on the subject of bribery and corruption. In the year 1775 a resolution was come to by the house, that if any member should obtain his seat by bribery and corruption, he should be visited with the utmost severity of the house; but, notwithstanding this, it was notorious that bribery and corruption prevailed to an enormous extent, and that in many boroughs it was the practice for the agents of the candidates to give sums of money to the different voters, after the expiration of the fourteen days during which petitions might be presented to the house complaining of undue elections, by which expedient parties were enabled to practise the most gross bribery with impunity. Unless the house were resolved to put an effectual stop to such proceedings, it would be much better that voters should be allowed to sell their suffrages to the best bidder, in the same way as they sold their chattels, or other articles of merchandise; because it was quite a farce that there should be bills in the statute-book, and resolutions on the journals of the house, against bribery and corruption, whilst so many members procured their seats there by such means, and totally set these acts and resolutions at defiance. He concluded by moving the resolutions—

"1. That whenever a petition shall be presented to this house, after the expiration of the time allowed for presenting petitions against the validity of the return of any member of this house, by any person or persons, affirming that at any time within 18 calendar months previous to presenting the said petition, general bribery or corruption has been practised, for the purpose of procuring the election or return of any member or members to serve in parliament for any borough, cinque port, or place, and it shall appear to the said house that such petition contains allegations sufficiently specific to require further investigation, a day and hour shall be appointed by the said house for taking the said petition into consideration, so that the space of 20 days shall intervene between the day on which the said petition shall have been presented and the day appointed by the said house for

taking the same into consideration; and notice of such day and hour shall be inserted, by order of the Speaker, in one of the two next *London Gazettes*, and shall also be sent by him to the returning officer of the borough, cinque port, or place, to which such petition shall relate; and a true copy of such notice shall by such returning officer be affixed to the door of the town-hall or parish church nearest to the place where the election of members to serve in parliament for such borough, cinque port, or place, has been usually held.

"2. That at the hour appointed by the said house for taking such petition into consideration, the said house shall proceed to appoint a select committee to inquire into the truth of the matters contained in the said petition, and report the result of their inquiry to the said house; and such select committee shall consist of 13 members, to be chosen by lot, according to the directions, provisions, rules, and regulations, and subject to the exemptions for choosing 20 members by lot, contained in the various acts to regulate the trials of controverted elections, or returns of members to serve in parliament, so far as they are applicable thereto, and of two others to be appointed by the said house, out of the members then present in the said house; and the 13 members so chosen by lot, together with the two members to be so appointed by the said house, shall be a select committee, and shall inquire into and try the matter of such petition, and shall report their opinion thereof, together with the evidence given before them, to the said house."

Mr. *C. W. Wynn* said, that there was already a proper tribunal for investigating and redressing the evils of which the noble lord complained, and he himself was fully aware of the existence of the practice of giving money to the voters after the expiration of the fourteen days, but he thought this might be checked by directing the Attorney-General to prosecute, or where this species of corruption had prevailed very extensively amongst the voters of any particular borough, by disfranchising it. He thought it would be better if the noble lord, instead of pressing his resolutions at this very late period of the session, were to give notice, that if any gross case of corruption should in future arise, he would bring it before the notice of the house.

Lord *John Russell* could not consent to withdraw his resolutions. The hon. member had pointed out other modes by which bribery might be suppressed, and on that account had argued, that these resolutions were superfluous; but in this reasoning he would give one short answer.—all these other modes were in existence at present, and still bribery and corruption prevailed to a very great extent. He should, therefore, persist in taking the sense of the house on the resolutions.

Mr. *Wynn* then moved the previous question.

Mr. *Peel* wished the noble lord would have listened to the suggestion of postponing his resolutions, because the house could not be prepared at a moment, and without consideration, to come to a decision upon them. For his own part, he did not disapprove of the principle contained in them; but at the same time, without having bestowed some further attention upon them, he could not take upon himself to say, at an instant, that he could concur in them; besides, he was disposed to think that the noble lord's object would be better effected by a bill, than by resolutions.



Mr. *Warre* thought the noble lord was placed in a very hard situation. When he brought in a bill, he was told he ought to have proposed resolutions; and when he proposed resolutions, he was told he ought to have brought in a bill. The *rt. hon. gent.* (Mr. *Wynn*) had said, that these acts of corruption might be punished by a prosecution by the Attorney-General, or by disfranchising the offending borough. Certainly this had been done in the Grampound case; but how rarely amongst the numerous instances of corruption which occurred, was one punished in this manner; and indeed, the Grampound case would have escaped with impunity if the delinquents had not quarrelled amongst themselves.

Lord *Millon* observed, that this motion was by no means improper to be introduced at the close of the parliament; but if left till next session, some of the boroughs might, under the present system of the house, have a right to complain; and it would induce some persons to look with a lenient eye to them.

Mr. *Lockhart* was of opinion, that the words of the resolution were not sufficiently comprehensive, so as to reach every species of bribery. He referred to the practice of giving money to electors after the election was over.

Mr. *Brougham* said, that the practice referred to by the hon. member, of paying the electors after the election, though unconnected with any previous promise, was illegal. He had no doubt of its being an act of corruption and of gross illegality. Although an act of bribery, it might be a question how far the vote was disqualified thereby. His noble friend might, however, modify the resolution. It was extremely desirable that the opinion of the house should be taken on this motion: if the opinion of the house, or even of a large portion of the house, was in favour of it, he thought it would have a good effect upon elections. We were now in a very delicate situation; the machinery was in operation; the instruments of bribery were now at work; and he looked with anxiety to the interruption of the practices going forward in all quarters, which this motion might occasion. He conjured every person present—and he appealed to him, as he valued his own interest, and that was the strongest way he could put it to him—to vote for these resolutions, assured that it would prevent the engines of corruption being employed against himself.

Mr. *Hume* begged to state, that he had received a letter from an elector in a certain place, intimating that they were prepared to receive any person who would pay 3000*l.* (a loud laugh); that the practice had been to pay each of the 500 electors 5*l.*; and that the remaining 500*l.* was for expenses (a laugh).

Mr. *Hudson Gurney* would support the motion for the previous question. Was there, he asked, a member in the house who did not believe that every person who held a seat in that house must pay for it (loud cries of no, no)? All that could be done was to make the bribery laws more explicit than at present. He believed that no member could be returned without doing some act against the law as at present constituted. Either in meal or malt (a laugh) it was the common understanding amongst persons to accommodate themselves more or less to the general practice. The bribery laws should be rendered more plain, simple, precise, and just.

Mr. *Alderman Wood* felt called upon to no-

tice the extraordinary assertion of the hon. member (Mr. *Gurney*) (hear, hear), in which he represented all as having their price. But if he asserted that all members must pay either in meal or malt, he (Mr. *Wood*) would tell that hon. member, that he had been three times returned for the city of London, and had never spent a shilling, even for conveyance of electors: though he had had applications from the country for that purpose, he invariably refused, and never expended a shilling even for a bowl of punch: the hon. member would probably understand his meaning. He did not think his remarks did much credit to the borough that that hon. member represented, and he supposed the price there must be pretty high (a laugh).

Sir *Robert Wilson* observed, that the hon. member (Mr. *H. Gurney*) was but little acquainted with Southwark. He (Sir *Robert Wilson*) had never paid one shilling, either in meal or malt; neither had his hon. colleague, in one or the other, or—what was more in his way—the essence of malt (a laugh).—It was, in his opinion, the duty of the house to pass this resolution with a great majority.

Sir *M. W. Ridley* would deny the accusation which had been made against the members of the house, as far as he was concerned: he should vote for the motion, and recommended all members to do the same.

General *Gascoyne* felt the accusation to be directed as much against the electors as the elected. He could only say that he had represented Liverpool for thirty years, and never had paid his constituents, either in meal or malt, or in any way directly or indirectly.

Mr. *F. Palmer* vindicated himself and his constituents from the accusation. There had been an election committee sitting at the place he represented (Reading) every Tuesday for three months past: it would meet next Friday; and if the hon. member (Mr. *Gurney*) would attend there, they would give him a lesson as to how elections were conducted.

Mr. *T. Wilson*:—With respect to the offer of a seat, on the payment of 5*l.* a man, mentioned by the hon. member (Mr. *Hume*), he (Mr. *Wilson*) thought that it must have been a hoax played off upon him; for, considering that the hon. member was such a strenuous advocate for purity of election, he was likely to be the last man to whom such an application would be made (hear).

The house then divided; when the numbers were found to be equal, namely—For the first resolution, 62—Against it, 62.

The *Speaker* gave his casting vote in favour of the resolution as follows:—

“It now being his duty to give his vote, and considering the proposed resolution as merely declaratory of what are the powers and what is the duty of the house, and that any inaccuracy in the wording of the resolution might be amended when in the new parliament it must be re-voted, he should give his vote in the affirmative.”

The second resolution was then put, and agreed to.

### *Private Committees.*

WEDNESDAY, APRIL 19.—Mr. *Littleton* said, in laying before the house the resolutions he was now about to propose, and in moving the appointment of a committee to investigate this



subject, last year, nothing was farther from his thoughts than the hope of devising an effectual and decided remedy for all the evils which were complained of as being connected with the present system of getting private bills through that house. He deemed it, however, necessary, for the benefit of the public at large, that some alteration should be made in the constitution of committees on private bills. He knew that the complaints which were made against the proceedings of committees, out of doors, could not be effectually cured by any regulation of those committees, or even by the interference of the house itself. Indeed, he believed that the members of that house, in many cases, had most reason to complain of the course taken with reference to private bills. They were all aware that the conduct of conflicting parties, out of doors, was such as imposed great labour, and inflicted no little pain, on those who were obliged to attend private committees. In the most trifling cases, even when the most trifling road bill was in progress, the litigating parties took every means that came within their reach to create delay and increase the expenditure. This, however profitable it might be to some persons, became a subject of remonstrance and complaint amongst the parties in the country, and the whole blame was immediately attributed to the forms of the house, or to the constitution of its committees. But, where a bill was of extensive importance—where it held out some prospective advantage to the immediate interests of one party, while it threatened to affect, unfavourably, the interests of another—they well knew how acrimonious the opposition became. Efforts of every description were resorted to, for the purpose of effecting the particular object of each of these conflicting bodies. In such a state of things, it could not be expected that either party would be reconciled, at the time, to the decision of the house; and though they were themselves to blame, they threw all their complaints on parliament. The parties by their litigious conduct harassed and wearied the members of the house; and the proceedings they frequently adopted to carry their point were alike destructive of the ends of public and private justice. He did not know of any course by which all those evils could be removed; but if any of them could be fairly traced to the constitution of the committees, or to the conduct of individual members, the house had a right to apply a remedy. They knew that cases had occurred in which members had conducted themselves in a way which showed that they were regardless of their own honour, and of the interests of the public. He did not feel it necessary to particularize those cases. He thought it necessary to abstain from doing so, though he certainly could name them; but if gentlemen were disposed to deny the facts he stated, at least they must allow, that constituted as the committees were at present, it was possible that misconduct might arise; and his resolutions would meet that defect. Several remedies had been proposed to remove the existing evils. One was (if it could be called a remedy) to leave things just as they were at present, and to make every impropriety committed up stairs a subject of complaint to the house. As this was the system that had been acted on with so little success, it was not fit that it should be continued. Another plan was, to have, at the commence-

ment of each session, a general system of select committees, to be nominated by ballot, to which private bills should be referred. But, when they looked to the important occupations of the house, some members charged with the consideration of affairs deeply affecting the national interest—others employed on professional and commercial subjects—the time of the county members taken up with an extensive and laborious correspondence—many gentlemen absent from age or sickness, and the occasional absence, upon urgent business, of all when they considered this, he did not think the proposition could be carried into effect. There was another plan, more easy of adoption, but certainly less constitutional in its nature; that was, to refer every bill which seemed likely to be contested, to a committee of inquiry. He, however, would oppose this departure from the old established custom. He therefore thought the safer and preferable course would be, to adhere as far as possible to the system established at present, providing, that where any case of decided abuse in a committee up stairs was fairly made out, the parties complaining should be entitled to apply for a select committee, to be appointed by ballot, who should proceed with the consideration of the bill. This would prevent parties from having any reason to complain that justice had not been rendered to them. Thus, though individuals who sat on the original committee on a bill, might, from local causes, be supposed to have some interest in the measure, no such undue bias could exist where a select committee was appointed by ballot. By this plan, one just cause of complaint would be removed. But, it would mainly operate to prevent the necessity of having resort to a select committee. For how was it possible, when the members of a committee knew, if they acted improperly, that their conduct would be brought before the house, and their decision would perhaps be reversed by a select committee, that they could act otherwise than correctly? If this regulation were found to be efficient, it might be continued; but if otherwise, it could be modified or abandoned. It appeared desirable to him that an alteration should be made in the present distribution of counties for the formation of committees on private bills. He did not know on what ground that distribution was framed, but he thought the inequality of the numbers of members in each list was too great. Thus, on private bills, for the county of Wilts, 194 might attend; for Somersetshire, 176; for Derbyshire, 80; for Leicestershire, 69; for Hampshire, 234; for Staffordshire, 66; and so on. He did not know the reason of this variation, but it produced most mischievous effects. The resolutions which he was about to propose, would secure an efficient attendance for each county. If these resolutions were carried, they must be considered only in the light of trial and experiment, and not as intending to interfere in any degree with the present established system. By agreeing to them, the house would remove much that was complained of out of doors, and as much, he thought, as their own house required, or the interest of the people demanded. The hon. gent. then moved his resolution:—  
“That the present distribution of counties, for the purpose of forming committees on private bills, prepared under the direction of the Speaker, some years ago, has, from the great



inequality of the numbers of members contained in each list, and from other causes, been found not to answer the object for which it was framed.

"That, with a view more nearly to equalize numbers, and to correct too strong a prevalence of local interests on committees on private bills, it is expedient that a new distribution of counties should be made, containing in each list, as nearly as may be, 190 members; one-half only, or thereabouts, to be taken from the county immediately connected with the object of the bill, and the adjoining counties; and the other half from other more distant counties of Great Britain and Ireland; and that the members serving for such counties, and the places within such counties, should constitute the committee on each bill.

"That Mr. Speaker be requested to direct a new distribution of counties to be prepared at the commencement of each session, in such manner as shall be approved of by him, conformably to the principle of the foregoing resolution.

"That every committee on a private bill be required to report to the house the bill referred to it, with the evidence and minutes of the proceedings.

"That a committee be appointed at the commencement of every session of parliament, to be called 'The Committee of Appeals upon Private Bills;' which committee shall consist of all the knights of the shire, all the members for cities, and such other members as may be named therein; so that the whole number appointed to serve upon such committee shall amount to 200 at least.

"That where any party interested in a private bill, who shall have petitioned the house, and shall have appeared in support of his petition, by himself, his counsel, or agent, in the committee upon such bill; or, where the promoters of a private bill shall be dissatisfied with any vote of the committee upon such bill, and shall petition the house, setting forth the particular vote or votes objected to, and praying that they may be heard, by themselves, their counsel, or agent, against such vote or votes, such petition shall, together with the report of the committee upon the bill, and the minutes and evidence taken before such committees, be referred to a select committee of seven members of the house, to be chosen by ballot from the committee of appeals upon private bills; which select committee shall hear the arguments of the parties complaining of, and also of the parties supporting such vote or votes, and shall report their opinion thereon to the house.

"That whenever a petition shall be presented, complaining of any vote of a committee upon a private bill, the house will fix a day whereon to ballot for a select committee, to whom such petition shall be referred, upon which day, at a quarter past four o'clock, or as near thereto as the question which may be then before the house will permit, the Speaker shall order the doors of the house to be locked, and the names of the members composing the committee of appeals upon private bills being written upon separate pieces of paper, and put into the glass, the clerk shall draw therefrom the names, until seven members of such committee who shall be then present, and who shall not have voted in the committee upon the private bill to which the petition refers, shall have answered

to their names; which seven members shall be the select committee to whom such petition shall be referred, and such select committee shall meet for business the following day, at eleven o'clock, and continue to sit, *de die in diem*, until they shall have reported upon the same.

"That no member of such select committee shall absent himself therefrom during its sitting.

"That such select committee shall, if they think fit, after the hearing of such argument, order the party or parties complaining to pay the whole or any part of the costs attending the same: (to which these words were added, as an amendment), and that only one counsel or agent shall be heard in support of the petition of any one party.

"That the party or parties complaining shall, previously to the balloting for such select committee, enter into recognizances, he, she, or they, in the sum of 300*l.*, and two sureties in the sum of 150*l.* each, for the payment of such costs as may be awarded against him or them."

Mr. R. Colborne observed, that if any malpractices occurred in a private bill committee, under the present system, it was competent to any member to complain to the house, and to have the evil redressed. The hon. mover seemed to think that his plan would make members more scrupulous in the discharge of their duties on private committees than they were at present. But public opinion was the great corrective in cases of that kind, as well as in those of every other description where public men were employed. He knew very well that litigious men might defeat a measure upstairs, by delaying time, and increasing expense. But it was difficult to say by what possible means that could be prevented. His impression was, that individuals would feel very unwilling to encounter the expense attendant on an appeal to a select committee. He believed they would find it impossible to apply any remedy to the evil, except by the adoption of a summary process.

Mr. W. Peel hoped the resolutions of the hon. gent. would be agreed to. The unjust and disgraceful manner in which the private business of the house was carried on, rendered any change desirable. Any gent. who entered a committee-room must feel disgusted at the conduct of parties engaged in private bills. There was nothing like a fair and just consideration of the subject. He had seen every art exerted to defeat a bill—he had seen every stratagem adopted to procure a vexatious and ruinous delay. If these resolutions were carried, it would put an end to this system, and with it, to those innumerable letters of invitation which gents. found on their tables every morning, soliciting them to come down and support bills without having heard one word of the evidence on which they were founded (hear).

Mr. S. Whitbread gave his cordial assent to the resolutions. The great evil of the system, and that of which he must loudly complain, was the power which it gave to every member to come down to the house and vote on a bill without having heard or read a particle of the evidence relative to it. The only objection against the resolutions was, that members could not find time to perform the duties which they imposed; but he had always understood that members were sent to that house to give their time and attention to the discharge of duties



which they had voluntarily undertaken to perform.

The *Chancellor of the Exchequer* said, he had not much experience in private business; but from all he had ever heard on the subject, he was led to believe that there was something in the manner in which it was carried on not at all creditable to the house. With regard to the hon. member's resolutions, it was difficult to say beforehand, how far the whole of them might be calculated satisfactorily to meet the evil which had been pointed out (hear). That could only be ascertained by experience; and after all they had heard on this question—after being informed of the manifest grievances which arose out of those committees as they were at present constituted, they were called upon to do the best they could for the improvement of the system (hear). If the resolutions failed, or if there were any insurmountable difficulty in the application of them, it would be competent to parliament to alter or rescind them. But it would be very much to be lamented, if, on account of any apprehended difficulty, they were to let the matter lie over, as they had done last year, without making any attempt to ameliorate the system. He therefore should support the resolutions (hear).

Mr. *Calcraft* conceived that what the *Chancellor of the Exchequer* had just said, was a very strong reflection on the conduct of persons whose proceedings, it appeared, from his own statement, he had not witnessed. A great complaint was made, that persons voted without hearing evidence. In that house individuals frequently decided on a subject without hearing the argument; and in the committees up stairs, *gents.* acted upon confidence, just as they did below. He knew not, for his own part, how any resolution of the hon. member could alter this. The hon. gent. had observed, that the arrangement of the counties, with reference to the number of members who might attend on committees, was not equal; and therefore he proposed to alter that arrangement. Now he would ask, what advantage would that produce in the constitution of committees? He (Mr. *Calcraft*) might as well object to the representation of the people, because in one place there were 20 electors, in another 10, and in another 1000. He might, with as much reason as the hon. gent. had on his side, say, "You must alter the number of voters, or the people are not represented." Besides, he thought the present was an improper time to agitate this question; because, by doing so, they were judging of the conduct of a new parliament—they were assuming that the conduct of that parliament would require this new system. The hon. gent. having seen exceptionable conduct in this parliament, anticipated similar conduct in the parliament that was to come. But he (Mr. *Calcraft*) was not prepared to pronounce judgment on the ensuing parliament. The hon. member never would be able to induce the members for Cornwall to attend to the private business of the members for Yorkshire. They might come down and vote in those private committees, just as they did at present. The hon. member (Mr. *W. Peel*) had praised these resolutions, because, he said, they would put an end to those amicable communications which passed from one individual to another, with respect to private bills. But surely no resolution could possibly have any

such effect. Besides, he (Mr. *Calcraft*) was certain that none of those letters which the hon. gent. found on his table every morning could in the least influence his vote. He would throw them into the fire, and vote as if he had never seen them. Nay, he was convinced that, even if the hon. gent. received a letter from the most beautiful woman in London, his vote would remain as unbiassed as if the letter had never reached his hands (laughter). A good deal had been said about the difficulties and delays which frequently occurred in private committees. Much of that delay might be attributed to the conduct of counsel, who were sometimes called upon to attend twenty committees together. He did not mean to say any thing personal of any professional man, but it was sometimes necessary to get up a debate in private committees, until your friend the counsel arrived—otherwise the junior counsel took up the case—or else, perhaps, the committee was adjourned (a laugh). That there were at times irregularities in those committees he would admit; but not to such an extent as to prevent justice from being done by the house in those cases. He never knew a case, which was properly and clearly made out, where the house did not speedily set the matter right. It was futile to tell him that they could not place the same confidence in the justice of the committees up stairs as they might place in the justice of the house itself. He could not assent to this Utopian doctrine. One case he had himself complained of; and the hon. gent. who was now the great reformer, was in that instance the principal performer. But the house soon set that case to rights; and he was quite certain that any man or woman might obtain justice at their hands with equal ease.

Lord *Althorpe* said, the present resolutions did not go precisely and directly to any one of the causes of complaint. He was very much afraid that the right of appeal to a select committee would not produce the effect which the hon. member anticipated, while the new system must inevitably throw a great deal of additional labour on the members of that house.

Sir *M. W. Ridley* said, he felt one great objection to the plan now proposed, which had not yet been noticed. It was, that in the next parliament, not merely a great part, but the whole of the members of that house would probably be occupied on election committees (hear); and let *gents.* calmly consider, what an immense load of additional labour would be thrown on the members and the officers of the house, if they were called on, under these resolutions, to ballot for select committees to consider private bills. For this reason, he would oppose the motion.

Mr. *Banks* said, as a matter of pure experiment, he would not oppose the present adoption of the resolutions, because some mode was desirable for getting rid of the evils and difficulties which now prevailed. But he was convinced that the duties put upon some members by them, were too onerous to allow its continuance beyond the end of the next session.

Sir *T. Acland* said that the only real use of the resolutions, would be the certainty of there being a court of appeal from the ordinary decisions of committees on private bills, which were too often carried, by crowds being brought down of members who had heard not one word of the merits of the question.



Lord *A. Hamilton* did not believe that the house would appoint such a committee, or, that if appointed, it would come to any decision. The house divided on the seventh resolution—Ayes, 48—Noes, 31—Majority, 8; after which, the resolutions were agreed to.

*Liability of Members to serve on Juries.*

MONDAY, FEB. 20.—Mr. *Holford* complained that he had been served with a summons to serve on a jury in the Court of Exchequer, in the case of the King v. Steel; whereupon, after a few remarks, it was ordered, "That the matter of the said complaint be referred to the Committee of Privileges, to examine the same, and report their opinion thereupon to the house:—Instruction to the said committee, that they do sit and proceed to-morrow."

The committee next day reported that they had examined the matter of the said complaint, and had come to the following resolutions:

1. "That it appears to your committee to be amongst the most ancient and undoubted privileges of parliament, that no member shall be withdrawn from his attendance on his duty in parliament to attend on any other court."

2. "That this privilege, with respect to service upon juries, has been repeatedly asserted, as will be seen from the three following cases:

"On the 22d November 1597, Sir Edward Hobby moved the house for privilege for Sir John Tracie, being a member of this house, and now presently at the Common Pleas, to be put on a jury. Whereupon the serjeant of this house was presently sent with his mace to call the said Sir John Tracie to his attendance in this house; which was thereupon so done accordingly, and the said Sir John then returned to this house."

"On the 6th of May 1607, it was informed that Sir Thomas Biggs and Sir Thomas Lowe, two members of the house, were by the sheriff returned in the court of King's bench, jurors upon an attain between John Macham, tenant to the Lord Barkley, and Edward Beard, tenant to the Lord Viscount Lisle, and was conceived that in this case, by the privilege of the house, they ought to be spared from their attendance:—which was ordered accordingly, and Mr. Serjeant commanded to go with his mace and deliver the pleasure of the house to the secondary of the King's Bench, the court then sitting."

"On the 15th of May 1628, Sir Walter Ailford returned of a jury this day in the Common Place, to have privilege of parliament not to serve; and a letter to be written by Mr. Speaker to the judges, that he be not amerced for his not appearance."

3. "That this privilege, among others, appears to be expressly reserved by the words of the last clause of the act 6 Geo. IV. c. 50, for consolidating and amending the laws relative to jurors and juries."

The resolutions were agreed to.

*Office of Clerk Assistant.*

LORDS, MONDAY, FEB. 6.—Lord *Gifford* read a letter from Mr. Cowper, stating that from infirmity he was unable to attend to discharge the duties of his office, and begged that

their lordships would be pleased to accept his resignation.—On the following day,

The Earl of *Liverpool*, after eulogizing Mr. Cowper for the manner in which he had performed the duties of Clerk Assistant for a period of forty-one years, moved a resolution,—“That this house receives with sincere concern, the resignation of Henry Cowper, Esq., on account of his health, and think it right to record the just sense they entertain of the zeal, ability, diligence, and integrity with which he executed the important duties of his office during a period of more than 40 years. Also that a humble address be presented to the King, laying before his Majesty a copy of the letter of the said Henry Cowper, Esq., and likewise the resolution of the house respecting that gentleman, and recommending him to his Majesty's Royal grace and bounty.”

The resolution was agreed to, and on

FRIDAY, FEB. 10, Lord *Gifford* reported the King's answer; by which it appeared, that his Majesty had been graciously pleased to grant Mr. Cowper a pension of 2000l. a-year.

Mr. Rose, the reading clerk, read the patent appointing William Courtenay, Esq., Clerk Assistant, in the room of Mr. Cowper; after which Mr. Courtenay was introduced, and took his seat at the table.

*Reversals of Attainder.*

TUESDAY, APRIL 25.—The Earl of *Liverpool* moved the first reading of certain bills, which were to restore James Sutherland, Esq. to the dignity and title of Baron Duffus—to restore David Ogilvy, Esq. and others, from the effects of the attainders of James, eldest son of David, Earl of Airlie; and of David Ogilvy, taking upon himself the title of Lord Ogilvy—to restore Patrick Murray Threipland, of Fingask, to the dignity of a baronet—to restore Francis Baron Wemyss and others from the effects of the attainder of David Wemyss, commonly called Lord Elcho.

These bills were read a first time, and subsequently passed.

COMMONS, TUESDAY, MAY 2.—Mr. *Peel* brought in the same bills, when

Lord *Milton* said, that if it had been stated that there could not have been a more agreeable thing than to do that which would gratify an individual, there could not be a more disagreeable thing than to feel yourself compelled to that which would have a contrary effect. He had, from the first introduction of these measures, felt that they were measures which the house ought not to sanction. It appeared to him that the grounds on which these honours had been forfeited were the strongest on which any honours conferred by the Crown could be forfeited—viz. treason; not, technically speaking, against the king, but against the constitution and liberties of the country. If the rt. hon. gent. had brought in a general bill for the reversal of all attainders, he would have gladly given it his support; but he thought it rather too much to select those whose only claim was, that they had stood in rebellion at the revolution against the liberties of the people. Why was not the Duke of Buccleuch restored to the title of the Duke of Monmouth; and why were not other indi-



viduals, who had claims to ancient baronies, restored to them, or put in the way of asserting their claims? If he should stand alone, he felt it his duty to oppose these measures: at the same time, he must declare that he knew nothing whatever to the prejudice of any of these individuals; they might, for any thing he knew, be deserving of having new honours conferred on them.

Mr. Wynn said, if the noble lord would look to the history of the country, he would see that several acts of grace had frequently passed before: it was one of the noblest prerogatives of the Crown, and it was the exer-

cise of this prerogative alone which had reconciled the country to the law of forfeiture.

Sir J. Newport could not but regret that similar instances of grace had not been shown to old Irish families.

Mr. Peel said, that a simple statement of facts would completely obviate the objections of the noble lord and the hon. bart. These measures had been commenced by the reversal of the attainder of Lord Edward Fitzgerald, and followed up by that of Lord Stafford, which he himself had brought forward.

The several bills were then read a first time, and subsequently passed.

### On Wednesday, May 31st, the Parliament was prorogued by Commission from his Majesty.

The Commons being summoned to the House of Lords in the usual form, and the commission being read, the Lord Chancellor read the following speech:—

*My Lords and Gentlemen,*

"His Majesty commands us to inform you, that the state of the public business enabling his Majesty to close the session at a period of the year the most convenient for a general election, it is his Majesty's intention to dissolve, without delay, the present Parliament, and to direct the issue of writs for the calling of a new one.

"His Majesty cannot take leave of you, without commanding us to express his Majesty's deep sense of the zeal and public spirit which you have constantly displayed in the discharge of your several important functions.

"His Majesty particularly acknowledges the promptitude and discretion with which you have applied yourselves to the objects specially recommended to you by his Majesty at the commencement of this session; and his Majesty confidently hopes that the good effect of your deliberations will be manifested in the improved stability of public and private credit.

"His Majesty has the satisfaction to inform you, that the distinguished skill, bravery, and success with which the operations of the British arms, in the dominions of the King of Ava, have been carried on, have led to the signature, upon highly honourable terms, of a preliminary treaty with that sovereign, which his Majesty has every reason to expect will be the foundation of a secure and permanent peace.

"His Majesty further commands us to repeat to you, that his Majesty's earnest endeavours have continued to be unremittingly

exerted to prevent the breaking out of hostilities among nations, and to put an end to those which still unhappily exist, as well in America as in Europe.

*Gentlemen of the House of Commons,*

"His Majesty commands us to thank you for the provision which you have made for the service of the year.

"His Majesty's attention will be constantly directed to the reduction of the public expenditure in every degree that may be consistent with the due maintenance of the security, honour, and interests of his kingdom.

*My Lords and Gentlemen,*

"We are especially commanded to assure you, that his Majesty's paternal feelings have been deeply affected by the distresses which have prevailed among the manufacturing classes of his Majesty's subjects, and by the exemplary patience with which those distresses have been generally borne.

"His Majesty trusts that the causes out of which the partial stagnation of employment has arisen, are, under the blessing of Providence, in a course of gradual abatement.

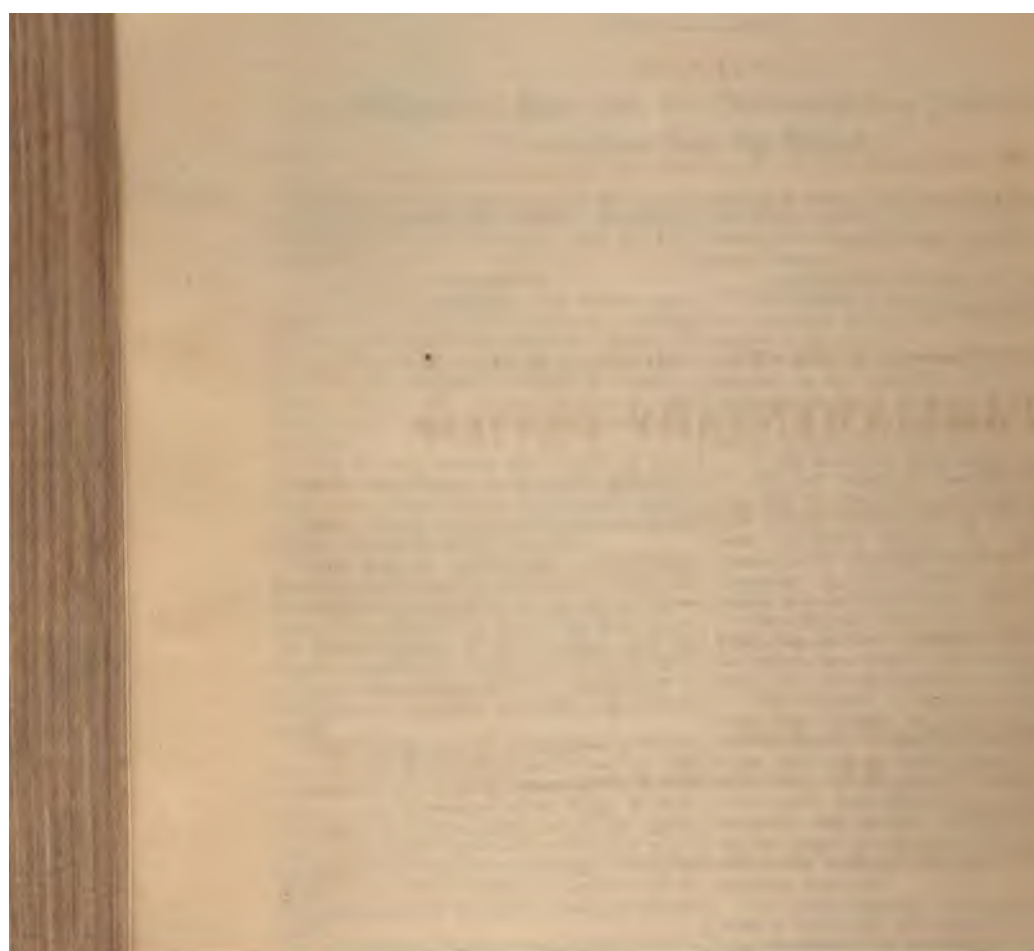
"His Majesty is confident that your presence and example in your several counties will contribute to maintain and encourage the loyal and orderly spirit which pervades the great body of his people; and his Majesty relies upon your disposition to inculcate that harmony and mutual good-will among the several great interests of the country, upon which the common prosperity of them all essentially depends."

The Lord Chancellor then signified his Majesty's royal will and pleasure, that the present Parliament be prorogued to Wednesday, the 14th day of June next; to which day it was prorogued accordingly.











## **PARLIAMENTARY REVIEW.**



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# PARLIAMENTARY REVIEW.

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# PARLIAMENTARY REVIEW.

SESSION OF 1826;—7 GEO. IV.

## IRELAND.

I. Catholic Disabilities—II. Landlords and Tenants—III. Church Establishment—IV. Law—Police—V. Tolls—VI. Corporations, &c.

WITHOUT entering at much length on the subject of Catholic Emancipation, which was little adverted to in the last Session of Parliament, it will be proper to make a few remarks on the circumstances attending this unusual reticence, as they indicate pretty plainly the nature of parliamentary morals. "All parties," said Mr. S. Rice, "whether for or against Catholic emancipation, seemed to concur in thinking that the present time was not the most favourable for the agitation of that question \*:" that is, not favourable to the success or the defeat of the measure. In 1826, the Catholics, as such, were "slaves," "out-laws," "bondsmen," and "aliens," according to their supporters; and "oath-breakers," "priest-led," "divided in their allegiance," and "rebels," according to their opponents, as much as they were in 1825, or as they will be in 1827. Why then was not 1826 a favourable time for the agitation of the question? Mr. W. J. Bankes says, "had this course (discussion) been taken on the eve of the general election, the public would have known how to choose their representatives †." The problem is here solved. Favourable, means favourable to the reelection of the old members; so that a question, described as involving the "safety and happiness of the British com-

munity at large \*" was left untouched for a whole year, because the members had apprehensions of losing their seats. One of two conclusions must be drawn. Either the supporters of the measure knew that they attached infinitely too much importance to the subject; or, believing that they were right, they left "the safety and happiness" of the community to shift for themselves, for the sake of retaining their places in parliament.

The little discussion that took place, was much of the same kind as the longer debates of the preceding session. Lord Darnley asserted "that the condition of the slaves was not so bad as that of the lowest peasantry in Ireland," owing, as we infer from the rest of his speech, to the refusal of emancipation †. Earl Grey stated that "the peace and prosperity of Ireland, and therewith the security and power of the British Empire, depended upon the question ‡." And the committee of the Lords on the state of Ireland of 1825, report that it is of "paramount importance §." We have already shown why we cannot view it in such a light. We cannot see that a removal of the disability is a necessary preparative to improvements more desirable. We cannot discover how it would benefit the body of the people in any material respect. The peasant, whether emancipated or not, (the very word is a dishonest one,) is not eligible to office, in fact. The rich would be the only *elected*, because the rich are the only electors wherever election is not

\* Sir Francis Burdett: *Parl. Hist. and Review*, Sess. 1825, p. 150.

† *Ante*, p. 36.

‡ *Ante*, p. 37.

§ *Parl. Abstracts*, Sess. 1826, p. 1. (*Commons—Ireland*—No. 40. 1826.)

\* *Ante*, p. 38.

† *Ibid*

SESS. 1826.



conducted by secret suffrage. The poor man would still be as much at the mercy of landlords, tithe-gatherers, and grand jurors, and as much unprotected by the laws as now. His Protestant landlord would not treat him better, and his Catholic landlord, having no political object to gain, would, probably, treat him worse. The great evil of Ireland is its extreme poverty; but we discover no essential connexion between the removal of that and the removal of the Catholic disabilities.

We have been charged with having misrepresented the degree of consequence attached to the question by its supporters, and with having formed an erroneous estimate of its importance ourselves. The above passages, taken from the discourses of individuals, called leaders in parliament, afford a sufficient answer to the first part of this charge. As to the second, our reasoning has been met by the assertion, that—"Six millions of people think and believe that they have an interest in the removal of these disabilities; and we cannot deny that they have a right to it"—until you can convert them from this persuasion, it is in vain to argue that "substitutes will do as well or better\*." Passing by the word *right*, which flagrantly begs the question, we observe, that if the persuasion of these six millions be wrong, it is the duty of parliamentary leaders to attempt to set it right; an attempt which has never been made. On the contrary, the false importance attached to the question in Parliament is the principal cause to which the erroneous persuasion entertained out of doors is to be ascribed. *Six millions*, moreover, is a mere rhetorical flourish. Strictly, it means all the men, women, children, and babes on the Catholic side; but in effect it only means those grown-up Catholics, who take an interest in the subject, and who consist of the leaders, and the led. The led follow the leaders: gain the latter, and you gain all. It is averred on all sides, that the priests are the leaders. They were the encouragers and collectors of the Catholic rent, and the getting of money from a man's pocket affords the strongest proof of influence over his understanding. "They are," said Mr. Brougham, "the natural instructors of the people," and he confessed that he was fearful of *their being influenced* by the government, had the

provision proposed for them last year been made. If the priests can teach, they can also unteach these wrong opinions. To induce them to unteach these opinions, it is only necessary to give them an interest in doing so—to submit them to that influence, of which so much apprehension is expressed.—As to the further assertion that we support these views for the mere sake of differing with the advocates of emancipation, and showing that nobody is in the right but ourselves, the writer who can have recourse to such a charge unsupported by the slightest attempt at proof, admits to that extent that he is unable to furnish any substantial answer to the arguments with which we have supported our opinion.

II. The committee of the House of Lords on the state of Ireland made their report at the end of the session of 1825†. They enter on various topics, and suggest numerous alterations, some of which were the subject of debate during last session.

One of the subjects most prominently adverted to in the report, is the number of persons intervening in Ireland between the head landlord and the occupying tenant. The Irish *middleman* has been the object of much loose animadversion. A middleman is a person who hires land of the landlord to re-let it at an increased rent to under-tenants. Letting to middlemen is a plan adopted by landlords who dislike to employ agents, or whose property is incumbered with a large population, holding the land sometimes in several tenancy, at other times in partnerships, as the old Irish did under the Brehon law. The landlord finds it disagreeable to deal with a numerous tenantry himself, and an agent has not a sufficiently strong interest to wade through the difficulty of collecting the rent from them. A middleman is resorted to, because he has an interest in using the proper means. According to Mr. L. Foster, "the middleman has his eye continually on the tenantry; he watches with a jealous eye each individual pig and firkin of butter; he follows the tenant to the market‡."—The first charge made against middlemen is the extortion of high rents. How they can extort higher rents than the tenants offer to pay, or why the landlords by them-

\* Edinb. Review, vol. xlv. p. 472.

† Parl. Abstracts, *Sess.* 1826, p. 1. (Comment—*Ireland*—No. 40. 1826).

‡ Lords' Com. 1825, Ev. p. 57.



selves or their agents, will not *extort* high rents, if they can, as well as the middlemen, it is not easy to discover.—Another charge is, that they *job* in land; that they are *land-sharks*; the interpretation of which is, that they hire land for the purpose of under-letting it as high as they can; and if they can get increased rents from new tenants, they turn out the old ones, who hold in effect at will, being too poor to pay for stamps on the written leases which are handed to them. It is not said that landlords and agents do not turn out tenants in the same way; as they have the same interest to do so as the middlemen, they most likely do it; in fact, there is positive evidence that they do. In England tenants are not turned out so unceremoniously, because they are rich enough to pay for stamps, and the removal of their capital, by throwing the land out of its course, would be *mischievous* to the soil. In Ireland the tenant has neither stamped lease, capital, nor courses of cultivation. *Land-jobbing* is produced neither by middlemen nor landlords. It necessarily attends the continual demand for, and increase in, the *rent* of land, resulting from the continual *increase* of an impoverished population. If rents were stationary or falling, tenants would remain in possession, and land-jobbing would disappear.—It has been said that if there were no middlemen, there would be fewer absentees. We shall not discuss the general benefit of a resident nobility and gentry, nor inquire particularly into the 'good done to the farming labourers in England, by the neighbourhood of nobles and esquires, with the game-laws, and justice-laws. Suffice it to say, that middlemen are not of the aristocratic classes, being only *squireens*; they have no exclusive right to the game, and produce no poachers; but they are said, by a man of sense and experience, to be in many districts, mainly instrumental in keeping the peasantry quiet\*. With respect to the good commonly supposed to result to the community from the landlords spending their rents on their estates, the point, we believe, may be settled in a few words.—If their incomes be spent in eating, drinking, dressing, and the like; if they be *consumed*, it can signify nothing ultimately where that consumption takes place. If on the estates, then part of the incomes goes to pay for bread, meat,

and other home commodities, and the rest for wine, tea, and other foreign ones; for which another portion of home commodities must have been already given, by the persons who sell to the landlord. If the incomes be spent abroad, then the money transmitted, whether coin or bills, must have been paid for by an equivalent quantity of home commodities. The incomes are, in both cases, *consumed*. If, instead of consuming, absentees *accumulated* their incomes; if they built barns, drained lands, and the like, it would be better for the community that they remained at home. But landlords, especially Irish landlords, are universally thriftless.—A fourth charge against the system of middlemen is, that every middleman can, as well as the landlord, distrain upon the occupier. So he can in England; and in Ireland the same law exists for the protection of the tenant as in England; viz.—if the head landlord distrain for his rent, the occupying tenant is at liberty to take credit for it against the intermediate landlord. The grievance is not in the system of middlemen, but in judicial procedure, which is so inordinately dear, that the tenant, when wronged, cannot purchase the remedy held out by the law.

If we rightly understand the Report, there is an endeavour made to connect the system of middlemen with the other great point to which it adverts, the subdivision of the land. The cause of the subdivision of land is, as we stated in our volume of last year\*, the want of a tenantry with capitals large enough to take larger quantities. There is no demand for labour: they who would labour are therefore obliged to take patches of land to subsist on, and in proportion as the population increases, the patches become smaller and smaller. The only evil of the subdivision is, that it prevents accumulation of capital: a great evil, undoubtedly; but the sufficiency of the remedy which has been applied, seems at least questionable. An Act of last session† prohibits the underletting of land without the head landlord's consent. Such a law may prevent land from being underlet to such poor tenants as the landlord does not like; but it will not prevent him from letting it himself to such as he does. The law is founded upon the supposition that landlords have an inclination to prevent the

\* Commons' Com. Ev. 1824, p. 14. Mr. Blackburne.

\* Page 620.

† 7 Geo. IV. cap. 29.



subdivision of their estates, which can scarcely be regarded as perfectly certain. If many poor tenants paid a greater rent, collectively, than one rich one, the landlord would prefer them; he would push the subdivision of his land, until stopped by the illegal combination, and resistance of numbers. This resistance, it is well known, has occurred; it has been one of the objects of Captain Rock, and the Ribbonmen; and has been followed by a panic on the part of the landlords, which, for the moment, makes them regard the numerousness of their tenantry, (abstracted from their resistance,) as the evil. They now raise their voices for tenants with capital, and the law has been passed as an instrument by which to obtain them. It is, however, at least, a subject of doubt, whether agricultural capital would yield so much rent, as the mere manual labour now applied. The point might, perhaps, be decided by comparing rents in Ireland at present with those in England. The evidence on the subject, though not strong, is enough to raise a doubt whether the new law, or any other, will avail to prevent subdivision of land.

It has been proposed to prohibit the letting of land under a certain quantity (from fifty acres, or upwards, to one hundred). It would require the concurrence of both landlord and tenant to carry such a law into effect: the latter, it is obvious, would not give his concurrence, and the law could be easily evaded by partnerships, or by interposing a nominal lessee. But could it be carried into execution? and when? If immediately, four-fifths of the population would die of starvation, and the landlords be left without tenants. So they would if it were carried into effect as the existing leases dropped in. Mr. L. Foster says, that such of the peasantry as have been turned away by landlords, who are "clearing" their estates, under the influence of the panic, resort to the large towns, where they endure the most frightful privations, vast numbers living by begging\*. Can it be supposed that this will always be continued? The peasantry may quit possession, and starve: but it is infinitely more probable that they will resist the efforts made to turn them away, if persevered in to any great extent.

It must not be inferred from the foregoing argument that capital can never

be introduced into Irish agriculture, or that the subdivisions will continue for ever. Capital will find its way, whenever the Government shall be able to repress disorder; and the subdivisions will cease whenever the peasantry find that they can gain more by taking wages from the capitalist than by hiring land. The landlord, in such case, must resort to the rich tenant, whether willingly or not, or have his land untenanted; and the rich tenant will take it in large quantities.

It is important to explain the fallacies at the bottom of nearly all the discussion on the subject of subdividing the land. Subdivision is the effect, not the cause, of poverty; nor would the existence of capital be necessarily the cause of the well-being of the peasantry. Their wages must be determined by their numbers, which might become so great that they would get even less by wages, than they do by hiring land; for so reason can be shewn why a peasant should not beget as many children, when working in the field of a rich farmer, as when digging his own potatoe-plot. Increase of capital may afford him a better maintenance for a time, but not permanently. To effect that, he must be taught to limit his numbers: and it is lamentable to witness the efforts of influential persons in Ireland to decry this all-important truth.

III. The main point relating to the Irish Church Establishment—Tithes—was not particularly noticed during the session: but some discussion was raised on the subject of first fruits\*. During the dominion of the papacy, two taxes were paid from church-property to the pope. One was called the *primitia*, *annates*, or first fruits, and was the first year's profit of every ecclesiastical benefice on the admission of a new incumbent. The other was the twentieths, or the twentieth part of the yearly income. These taxes were received by the crown subsequently to the Reformation until the time of Queen Anne, when the twentieths were given up altogether; and the first fruits, then averaging 450l. per annum, were vested in trustees, for the purpose of building and repairing churches and parsonage-houses, purchasing glebes, and increasing the incomes of the poor clergy. The fair meaning of the patent was, that the first year's actual profit should be taken; but, unfortunately, a clause to appoint valuations, from time to

\* Lords' Com. 1825, Ev. p. 56.

\* *Ante*, p. 40.



time, as the value of corn might vary, was omitted; and the consequence has been, that the Irish clergy have successfully maintained, that the benefices are liable to pay no more than the same amount in money which they paid at the date of the grant. The recent Irish Tithe Composition Act has given us an opportunity of judging of the extent of the abuse. In one diocese there are 95 livings, 25 of which, alone, yield 10,580*l.* a year, and yet the first fruits of the whole, amount only to 258*l.* 12*s.* \*. Since the Union, 700,000*l.* have been granted by Parliament in aid of the first fruits; but our readers will see, on referring to any works on the state of the Irish church, that, notwithstanding this enormous aid, there are at present a vast number of livings, either without glebe or parsonage-house, or so poor as to afford a very insufficient income; and, for the purpose of meeting this disastrous poverty, the Privy Council, and also the bishops, are allowed, by law, to unite two, three, or more parishes together, which power has been pushed to an extraordinary extent. The parishes thus united form large tracts of country, frequently fifteen or twenty miles long, which renders a proper performance of the clerical duties impossible; and notwithstanding the unions, a large portion of the clergy are non-resident for want of dwellings. The churches, such as they are, are kept from falling to pieces by the church-rates, which are paid for the most part by Catholics, who, nevertheless, can take no part in levying or spending them†. And as if this were not enough, there is actually a great and unsatisfied demand for more churches; for, at a meeting of the Irish Board of First Fruits, in February, 1825, the demands of the Church of Ireland on the Board, amounted to 100,000*l.*—although the return which it was compelled to make was a cypher‡. The proposition made to Parliament was, that the real amount of the first year's income should be taken. This proposition was opposed by such arguments as the following. 1. It involved the interests not only of the clergy, but of many orders in the state; it was an attack on the church, and would lead to an attack on other interests§—the old fallacy of *distrust*, which only requires naming to be scouted. 2. The

First Fruits were originally a papal usurpation, and to receive the whole year's income would be in principle, to justify papal usurpation\*.—To receive part is as much within such a principle as to receive all; and if an application to the church of the part, according to the speaker, take away its popish nature, so would an application of the whole. Moreover, because an impost was raised for a bad purpose many centuries ago, does it follow that it should not be continued for a good one now? 3. The law, which gave the papal property to the crown (Stat. H. VIII.), gave no right to make a new valuation of benefices†.—Laws are not irrevocable. Permanency is given to the laws of property where it is expedient, but not under circumstances where it would be inexpedient. It is not the antiquity, but the utility, of a law which ought to determine its existence. 4. Rents held under feudal tenants (quit-rents) would require alteration on the same ground‡.—They would not require alteration, and the ground on which they are sustained is not the same. By changing them, the few would be benefited at the expense of the many: by changing the first fruits, the many would be benefited, not indeed at the expense of the few; but to the injury of none. Quit-rents and first fruits are alike only in being old; in all other respects they differ. 5. Another argument is the same that is invariably met with in discussions upon church property.—The measure would be a *wringing* of funds from the establishment—from the church§.—But from what or whom? Not from the church, because the church in this sense means nothing but the parsons, (to use the legal appellation,) who *use* the property; and the proposal does not seek to oblige the present parsons to pay a full year's dividend; it extends only to the future ones, to whom it cannot do injustice; for they are not yet in possession, and only a few of them at present parsons in *posse*. If a parson could leave his benefice to his heir or his devisee, the case would be altered; but it goes altogether to a stranger. The rule might have an effect on the value of saleable advowsons; but their number is small, and they might, and ought to be, exempted from the operation of the law. 6. Another argument was, that Religion

\* Sir John Newport, *ante*, p. 40.

† 7 Geo. IV. cap. 72.

‡ Lords' Com. 1825, p. 183.

§ Mr. Goulburn, *ante*, p. 41.

\* Mr. Lockhart, *ante*, p. 42.

† Mr. Goulburn, *ante*, p. 41.

‡ *Ibid.* § *Ante*, pp. 41, 42.



(meaning the Protestant one) was for the benefit of all, and therefore all ought to contribute to building churches\*. The Protestant religion with its tithes, church-rates, and exclusions, beneficial to the Catholics! to the Catholic majority! The Protestant religion beneficial to the Catholics of the parish of Aghadoe, where the Catholics are 300 to 1, and where they are called on to build a church for Mr. Grierson, the Protestant clergyman†! 7. It is difficult to be serious when our eyes or ears are assailed by such a sentence as the following:—"It might as well be maintained that the great public functionaries should pay for the erection of public offices, or that soldiers should defray the expense of building and repairing the barracks in which they are quartered‡." Unfortunately for the foundation of this reasoning, the parsons *do* render a part of their pay, for their churches and parsonages, (offices and barracks,) and it is only proposed to make the future ones pay a proper part. If this, however, were not the case, it would be doubtless hard upon Mr. Goulburn to make him build his own office; but it would not be hard upon his son, who may become a secretary, but who also may become any thing else.— 8. The last objection that "the measure would reduce the clergy to debtors and paupers§," is too absurd to demand exposure.

The next measure connected with the Irish church was a law to regulate the assessment and spending of church rates. Various abuses exist; for which we refer our readers to the speech of Sir John Newport||, and a motion of the same gentleman in 1825¶. The main reason for the abuses has been already adverted to, viz. the exclusive privilege of the Protestant parishioners to assess and spend the money, and the want of a power to appeal to a proper court. The appeal is granted by the new law\*\*, but the exclusion of the Catholics from the office of churchwarden, is retained. The latter circumstance, during a debate on another subject, afforded one of the strangest arguments we ever remember meeting with. It was proposed to extend Mr. Peel's New Jury Bill to Ireland, a proposal which it would be

difficult to find a sound reason for resisting. But the Church Rates Act yielded the following precious trifling:—

"The basis of that bill (the Jury Bill) consisted of returns of jurors made by overseers of the poor and churchwardens. Now, in Ireland, they had no overseers of the poor; and as to returns made by churchwardens, the hon. bart. (Sir J. Newport) would not like to see returns of jurors made by men holding an office from which Roman Catholics are excluded\*." Did it not occur to Mr. Plunkett that the "basis" might be kept undisturbed by allowing one of the churchwardens to be a Catholic: or that the "basis" would be as good, if other returning-officers were appointed?

The only remarkable circumstance attending the new Church Rate Act was a proposition for a clause to empower vestries to raise sums to build and repair Catholic and Presbyterian Chapels‡. It appears to have been hitherto the practice of vestries to lay out money on Catholic chapels, but without legal authority. This was found useful, because the Catholic chapels are so insufficient that a large part of the congregation is obliged to kneel outside the doors, and it tended to lessen the discontent, which the exclusive object and management of the rate, according to the statutes, naturally excited. Where no such assessment is made, the Protestant inhabitants subscribe voluntarily for the same purpose. The proposition was therefore made under the most favourable circumstances. The main reason with which it was opposed was, that it was an "impropriety" to assess a parish for any place of worship contrary to the Established Church†. Not the slightest attempt was made to shew why, or to explain what was meant. Mr. Peel very properly stated that the provision for the Presbyterians was merely colourable. It would undoubtedly have been more candid in Mr. S. Rice, who made the proposition, to state its real object; but it was quite as unfair in Mr. Peel to contend that since it included the Presbyterians, and did not include the Quakers and Methodists, he must oppose its being extended to the Catholics§. The Presbyterians, Quakers, and Methodists need not be included, because there are no reasons of expediency for including them; but it is very expedient to make

\* Mr. Goulburn, *ante*, p. 41.

† Parl. Hist. and Review, *Sess.* 1825, p. 267.

‡ Mr. Goulburn, *ante*, p. 41.

§ *Ibid.* || *Ibid.* p. 43.

¶ Parl. Hist. and Review, *Sess.* 1825, p. 264.

\*\* 7 Geo. IV. cap. 72.

\* Mr. Plunkett, *ante*, p. 32.

† Mr. Rice, *ante*, p. 45.

‡ Mr. Goulburn, *ibid.* and Mr. Peel, p. 46.

§ Mr. Peel, *ibid.*



such a provision for the Catholics, as we have seen above.

The remaining topic was the Episcopal Unions. If it be useful to have an establishment supported out of an extensive public property, its object would be greatly promoted by an equal distribution, according to population and place. If many parishes are lumped together with only one church, a portion of the parishioners, and probably a large one, will be prevented from going to church by the distance; if with a church in each parish, each parish will be visited by the clergyman too seldom. The clergyman will, moreover, be too rich to be a good one. In Ireland, the Protestant clergy are supported in the main by persons who are discontented, because they are very poor and of another creed; an improper performance of his duty on the part of the clergyman will obviously increase that feeling. With these positions in our recollection, we may judge how far the

Irish clergy are inclined to promote the object of their church, and how much weight there is in one of the arguments against meddling with the church property, viz. that the latter is only a proper reward for the performance of the sacred duties.

The glebe lands in Ireland amount to 83,000 acres; and, according to Mr. L. Foster, are worth about 20s. per acre. This income is in addition to the tithes, which it is important to bear in mind. In 1825, Mr. Foster delivered in a list of the incomes of the 368 parishes in which the Composition Act had been put into force, distinguishing such of them as were united to others\*. Unfortunately, this document seldom states either the amount derived from the parishes united, or their names. We have taken some pains to make out the following table, and request the reader to give it a careful perusal.

\* Lords' Com. 1825, p. 603.

| Diocese.    | Parishes.                       | Tithes of each.     | United Tithes. | Other Parishes also united, but Tithes not stated. |
|-------------|---------------------------------|---------------------|----------------|----------------------------------------------------|
| Meath.....  | Gallen.....                     | £. s. d.<br>450 0 0 | ..             | 1                                                  |
|             | Churchtown.....                 | 195 0 0             | ..             | 2                                                  |
|             | Killfalon .....                 | 350 0 0             | ..             | 1                                                  |
|             | Ardraccon .....                 | 470 0 0             | 1,028 14 0     | none                                               |
|             | Retain .....                    | 131 15 10           |                |                                                    |
|             | Clonmacduff.....                | 147 12 6            |                |                                                    |
|             | Liscarton .....                 | 80 0 0              |                |                                                    |
|             | Mantry .....                    | 188 17 3            |                |                                                    |
|             | Churchtown .....                | 10 8 5              | 765 0 0        | 1                                                  |
|             | Enniscoffey .....               | 122 0 0             |                |                                                    |
|             | Syddam .....                    | 365 0 0             |                |                                                    |
|             | Mitchelstown.....               | 50 0 0              |                |                                                    |
|             | Kilaroy .....                   | 350 0 0             |                |                                                    |
|             | Killyon.....                    | 150 0 0             | 675 0 0        | none                                               |
|             | Clonard .....                   | 525 0 0             |                |                                                    |
| Down.....   | Billy .....                     | 535 0 0             | 675 0 0        | 3                                                  |
|             | Ballyclugg .....                | 140 0 0             |                |                                                    |
|             | Ballymoney.....                 | 1,100 0 0           |                |                                                    |
| Kilmore.... | Lurgan .....                    | 250 0 0             | 410 0 3        | none                                               |
|             | Munterconnaught .....           | 160 0 0             |                |                                                    |
| Ardagh..... | Drumlummon .....                | 570 0 0             | 1,749 0 0      | 1                                                  |
|             | Ballymachugh .....              | 288 0 0             |                |                                                    |
|             | Ballymacleeny .....             | 171 0 0             |                |                                                    |
|             | Collumkill .....                | 720 0 0             |                |                                                    |
|             | Killglass .....                 | ..                  |                |                                                    |
|             | Rathnea .....                   | ..                  | 436 17 8       | none                                               |
|             | Ahara .....                     | ..                  |                |                                                    |
|             | Killoe .....                    | 880 0 0             | ..             | 2                                                  |
|             | Delgany .....                   | 223 5 9½            |                |                                                    |
| Dublin..... | Kilcool.....                    | 291 8 9½            | 644 10 9½      | none                                               |
|             | Kilmackenoge .....              | 129 16 2½           |                |                                                    |
|             | Dunlaven .....                  | 368 17 5½           |                |                                                    |
|             | Usk.....                        | 83 10 0½            | 521 7 6        | none                                               |
|             | Friendstown .....               | 28 0 0              |                |                                                    |
|             | Rathallagh .....                | 31 0 0              |                |                                                    |
|             | Castle M <sup>c</sup> Adam..... | 250 0 0             | ..             | 2                                                  |
|             | Rathfarnham .....               | 315 0 0             |                |                                                    |
|             | Tawney .....                    | 450 0 0             | 945 0 0        | 2                                                  |
|             | Donnybrook .....                | 180 0 0             |                |                                                    |
|             | Malahide .....                  | 120 0 0             | 393 1 2½       | 2                                                  |
|             | Swords .....                    | 273 1 2½            |                |                                                    |
|             | Howth .....                     | 250 5 6             | 550 5 6        | 2                                                  |
|             | Newcastle .....                 | 300 0 0             |                |                                                    |



| Diocese.      | Parishes.                 | Tithes of each. | United Tithes. | Other Tithes also united. |
|---------------|---------------------------|-----------------|----------------|---------------------------|
|               |                           | £. s. d.        |                |                           |
| Kildare.....  | Rosemalls .....           | 492 0 0         | 976 9 4        | 1                         |
|               | Berymore .....            | 298 9 4         |                |                           |
|               | Kilmanana .....           | 307 0 0         |                |                           |
|               | Clonast .....             | 681 0 0         |                |                           |
|               | Nurney .....              | 95 0 0          |                |                           |
|               | Castropetre .....         | 450 0 0         |                |                           |
|               | Kilclonfert .....         | 270 0 0         |                |                           |
| Osney .....   | Kilrush .....             | 240 0 0         | 730 0 0        | none                      |
|               | Kilbracken .....          | 160 0 0         |                |                           |
|               | Kells .....               | 323 12 0        |                |                           |
|               | Stamewarty .....          | 36 18 0         |                |                           |
| Ferns .....   | Killree .....             | 141 2 7½        | 502 12 8½      | 4                         |
|               | Bannow .....              | 385 5 7         |                |                           |
|               | Kilkevan .....            | 156 14 5        |                |                           |
|               | Kilinohee .....           | 473 3 2½        |                |                           |
|               | Brohara .....             | 296 2 0         |                |                           |
|               | Kilcannon .....           | 495 0 0         |                |                           |
|               | Templendree .....         | 321 5 2         |                |                           |
|               | St. Mary's New Ross ..... | 387 14 0        |                |                           |
|               | Whitechurch .....         | 378 0 0         |                |                           |
|               | Kilmacka .....            | 323 0 0         |                |                           |
|               | Kilgarvan .....           | 169 9 5         |                |                           |
|               | Horstown .....            | 231 2 5         |                |                           |
|               | Dunowney .....            | 42 0 0          |                |                           |
|               | Ballyingie .....          | 54 10 0         |                |                           |
|               | Killegney .....           | 330 0 0         |                |                           |
|               | Chappell .....            | 188 0 0         |                |                           |
|               | Ferns .....               | 900 0 0         |                |                           |
|               | Rossmunogue .....         | 179 0 0         |                |                           |
|               | Toombe .....              | 289 0 0         |                |                           |
|               | Kilcoomb .....            | 323 0 0         |                |                           |
| Leighlin .... | Wells .....               | 425 0 0         | 983 15 6       | 1                         |
|               | Hacketstown .....         | 600 0 0         |                |                           |
|               | Ballyadams .....          | 437 10 7        |                |                           |
|               | Shrule .....              | 50 0 0          |                |                           |
|               | Crycrim .....             | 144 15 1        |                |                           |
|               | Mullinacuff .....         | 336 3 6         |                |                           |
|               | Aghold .....              | 503 16 11       |                |                           |
|               | Dunleckney .....          | 900 0 0         |                |                           |
|               | Agha .....                | 450 0 0         |                |                           |
|               | Kilranelagh .....         | 210 0 0         |                |                           |
|               | Old Leighlin .....        | 500 0 0         |                |                           |
|               | Clonbullogue .....        | 148 0 0         |                |                           |
| Cashel .....  | Kilfeacle .....           | 400 0 0         | 748 0 0        | 2                         |
|               | Templenoe .....           | 200 0 0         |                |                           |
|               | Lattin .....              | 105 10 4        |                |                           |
|               | Shroneil .....            | 135 13 3½       |                |                           |
|               | Clonmore .....            | 400 0 0         |                |                           |
|               | Templerece .....          | 225 0 0         |                |                           |
|               | Killea .....              | 240 0 0         |                |                           |
|               | Brickendown .....         | 70 0 0          |                |                           |
|               | Templetonhy .....         | 542 0 0         |                |                           |
|               | Athnasey .....            | 244 7 2         |                |                           |
| Limerick..... | Rathkeale .....           | 711 0 0         | 865 0 0        | none                      |
|               | Killoneban .....          | 135 0 0         |                |                           |
| Ardfert ..... | Ballinacourty .....       | 175 0 0         | 437 0 0        | 4                         |
|               | Menard .....              | 170 0 0         |                |                           |
|               | Kilflyn .....             | 92 0 0          |                |                           |
|               | Aghavallin .....          | 330 0 0         |                |                           |
|               | Liseltin .....            | 190 0 0         |                |                           |
|               | Murhir .....              | 155 0 0         |                |                           |
|               | Listowel .....            | 214 0 0         |                |                           |
|               | Dyserl .....              | 145 0 0         |                |                           |
|               | Finuge .....              | 140 0 0         |                |                           |
|               | Knockenure .....          | 85 0 0          |                |                           |
|               | Nohovell .....            | 74 4 0          |                |                           |
|               | Bally M'Elligot .....     | 365 0 0         |                |                           |
|               | Armagh .....              | 360 0 0         |                |                           |
|               | Clogherbrien .....        | 260 0 0         |                |                           |
|               | Currens .....             | 63 0 0          |                |                           |
|               | Templenoe .....           | 132 10 0        |                |                           |
|               | Ardfert .....             | 275 0 0         |                |                           |
|               | Killencar .....           | 200 0 0         |                |                           |
|               | Duagh .....               | 135 0 0         |                |                           |
|               | Kilcaragh .....           | 105 0 0         |                |                           |
|               | Kewmare .....             | 230 0 0         |                |                           |
|               | Tuosint .....             | 260 18 8        |                |                           |
|               |                           |                 | 1,190 0 0      | 3                         |
|               |                           |                 | 430 4 0        | none                      |
|               |                           |                 | 630 0 0        | 2                         |
|               |                           |                 | ..             | 1                         |
|               |                           |                 | ..             | 1                         |
|               |                           |                 | 475 0 0        | none                      |
|               |                           |                 | 240 0 0        | none                      |
|               |                           |                 | 490 18 5       |                           |



| Parishes.                | Tithes of each. | United Tithes. | Other Parishes also united, but Tithes not stated. |
|--------------------------|-----------------|----------------|----------------------------------------------------|
|                          | £. s. d.        |                |                                                    |
| Ringagonagh .....        | 240 0 0         | ..             | 2                                                  |
| Donoghmore .....         | 150 0 0         | ..             | 1                                                  |
| Dunbolloge .....         | 500 0 0         | ..             | 4                                                  |
| Taxax .....              | not returned    | ..             | 1                                                  |
| Britway .....            | 297 5 3         | 699 2 2        | none                                               |
| Abern .....              | 401 16 11       | ..             | 4                                                  |
| Rostellan .....          | 312 7 11        | ..             | none                                               |
| Gortroe and Desert ..... | 450 0 0         | ..             | none                                               |
| Modereeny .....          | 578 0 0         | 911 4 2½       | none                                               |
| Arderony .....           | 333 4 2½        | ..             | ..                                                 |
| Kilmore .....            | 395 0 0         | ..             | ..                                                 |
| Lisbonny .....           | 350 0 0         | 985 0 0        | none                                               |
| Kilmanave .....          | 240 0 0         | ..             | ..                                                 |
| Roscrea .....            | 525 0 0         | ..             | ..                                                 |
| Kyle .....               | 121 0 0         | 1,022 0 0      | none                                               |
| Eitagh .....             | 161 0 0         | ..             | ..                                                 |
| Kilcoltman .....         | 215 0 0         | ..             | ..                                                 |
| Kelfedane .....          | 290 0 0         | ..             | ..                                                 |
| Kilmurry .....           | 225 0 0         | 735 0 0        | 2                                                  |
| Killemar .....           | 220 0 0         | ..             | ..                                                 |
| Kinnetty .....           | 185 0 0         | ..             | ..                                                 |
| Letterluna .....         | 80 0 0          | 361 0 0        | none                                               |
| Roscomree .....          | 96 0 0          | ..             | ..                                                 |
| Castletownarra .....     | 330 0 0         | ..             | ..                                                 |
| Youghlarr .....          | 450 0 0         | 1,080 0 0      | none                                               |
| Burgessbeg .....         | 300 0 0         | ..             | ..                                                 |
| Kilruane .....           | 214 18 10       | 539 18 10      | none                                               |
| Ferryglass .....         | 325 0 0         | ..             | ..                                                 |
| Kilneboy .....           | 113 12 10       | ..             | ..                                                 |
| Kilhudy .....            | 156 4 4         | ..             | ..                                                 |
| Inchichronane .....      | 145 0 5         | 770 12 9½      | none                                               |
| Dysert .....             | 272 12 3        | ..             | ..                                                 |
| Rath .....               | 83 2 11½        | ..             | ..                                                 |
| Cullenwayne .....        | 246 9 0         | 400 0 0        | none                                               |
| Templeharry .....        | 153 11 0        | ..             | ..                                                 |
| Kilcommon .....          | 170 0 0         | ..             | ..                                                 |
| Shinrone .....           | 210 0 0         | 630 0 0        | none                                               |
| Kilmurry Ely .....       | 250 0 0         | ..             | 2                                                  |
| Kilbarron .....          | 390 0 0         | ..             | ..                                                 |
| Clare Abbey .....        | 64 0 0          | ..             | ..                                                 |
| Dromcliffe .....         | 360 0 0         | 535 0 0        | 1                                                  |
| Templemaley .....        | 60 0 0          | ..             | ..                                                 |
| Kilraghtis .....         | 55 0 0          | ..             | 2                                                  |
| Birr .....               | 300 0 0         | ..             | 1                                                  |
| Kilfordiernan .....      | 250 0 0         | ..             | 3                                                  |
| Templemackey .....       | 306 13 4        | 416 13 4       | 1                                                  |
| Balygibbon .....         | 110 0 0         | ..             | ..                                                 |
| Killokennedy .....       | 115 0 0         | ..             | ..                                                 |
| Dunkerrin .....          | 538 3 4         | ..             | ..                                                 |
| Castletown Ely .....     | 133 0 6         | 1,000 0 0      | none                                               |
| Finglas .....            | 54 3 11         | ..             | ..                                                 |
| Rathnavogue .....        | 274 12 3        | ..             | ..                                                 |
| Quin .....               | 165 0 0         | 980 0 0        | 4                                                  |
| Clonie .....             | 215 0 0         | ..             | ..                                                 |
| Aglishclohane .....      | 175 0 0         | 1,100 0 0      | 1                                                  |
| Lorrha .....             | 475 0 0         | ..             | 2                                                  |
| Dorrha .....             | 450 0 0         | ..             | ..                                                 |
| Killadysert .....        | 450 0 0         | ..             | ..                                                 |
| Robeen .....             | 160 0 0         | 272 15 11½     | 1                                                  |
| Tagheen .....            | 112 15 11½      | ..             | ..                                                 |
| Turlough .....           | 225 0 0         | 287 13 3       | 4                                                  |
| Breaghwee .....          | 62 13 3         | ..             | 2                                                  |
| Annadown .....           | 600 0 0         | ..             | 2                                                  |
| Kilmalmore .....         | 433 0 0         | ..             | ..                                                 |
| Umma .....               | 55 0 0          | 180 0 0        | 7                                                  |
| Moyrus .....             | 55 0 0          | ..             | ..                                                 |
| Ballinahill .....        | 70 0 0          | ..             | 1                                                  |
| Kilvine .....            | 126 10 0        | ..             | ..                                                 |
| Killursa .....           | 229 3 5½        | ..             | ..                                                 |
| Kilhelvery .....         | 120 2 10½       | ..             | ..                                                 |
| Killower .....           | 122 0 1         | 959 2 4        | 2                                                  |
| Cargin .....             | 112 3 1½        | ..             | ..                                                 |
| Kilfany .....            | 160 11 3        | ..             | ..                                                 |
| Kilcoona .....           | 215 1 6½        | ..             | ..                                                 |
| Taghboy .....            | 105 0 0         | 216 13 4       | 2                                                  |
| Tennaragh .....          | 111 13 4        | ..             | ..                                                 |



## IRELAND.

| Dioceses.   | Parishes.             | Tithes of each. |    |    | United Tithes. | Other Parishes also united, but Tithes not stated. |
|-------------|-----------------------|-----------------|----|----|----------------|----------------------------------------------------|
|             |                       | £.              | s. | d. |                |                                                    |
| Clonfert... | St. John Sligo .....  | 370             | 0  | 0  | 1,119 18 3     | none                                               |
|             | Killaspickbrown ..... | 200             | 10 | 3  |                |                                                    |
|             | Kilmacowen .....      | 195             | 16 | 5  |                |                                                    |
|             | Calry .....           | 353             | 11 | 7  |                |                                                    |
|             | Drumcliffe .....      | 780             | 0  | 0  | 395 0 0        | 1                                                  |
|             | Kilbegnet .....       | 150             | 0  | 0  |                |                                                    |
|             | Athleague .....       | 245             | 0  | 0  |                |                                                    |
|             | Roscommon .....       | 240             | 0  | 0  |                |                                                    |
|             | Kilgeffin .....       | 170             | 0  | 0  | 470 0 0        | 3                                                  |
|             | Shankhill .....       | 100             | 0  | 0  |                |                                                    |
|             | Kilmacumsey .....     | 100             | 0  | 0  |                |                                                    |
|             | Creeve .....          | 100             | 0  | 0  |                |                                                    |
|             | Kilmacrany .....      | 115             | 0  | 0  | 193 0 0        | none                                               |
|             | Shancoe .....         | 36              | 0  | 0  |                |                                                    |
|             | Killadoon .....       | 42              | 0  | 0  |                |                                                    |
|             | Clonfinlogh .....     | 85              | 0  | 0  |                |                                                    |
|             | Boyle .....           | 340             | 0  | 0  | 1,029 0 0      | none                                               |
|             | Ahana .....           | 120             | 0  | 0  |                |                                                    |
|             | Tannagh .....         | 84              | 0  | 0  |                |                                                    |
|             | Kilmacalane .....     | 180             | 0  | 0  |                |                                                    |
|             | Ballysumahan .....    | 80              | 0  | 0  | 741 10 0       | none                                               |
|             | Draucollum .....      | 90              | 0  | 0  |                |                                                    |
|             | Ballinakill .....     | 90              | 0  | 0  |                |                                                    |
|             | Kilross .....         | 45              | 0  | 0  |                |                                                    |
|             | Kilmalinoge .....     | 77              | 10 | 0  | 432 13 4       | none                                               |
|             | Clontuskert .....     | 330             | 0  | 0  |                |                                                    |
|             | Clonfert .....        | 334             | 0  | 0  |                |                                                    |
|             | Killoran .....        | 85              | 13 | 4  |                |                                                    |
|             | Kiltormer .....       | 110             | 0  | 0  | 705 10 0       | 1                                                  |
|             | Abbygormogan .....    | 237             | 0  | 0  |                |                                                    |
|             | Kilquaine .....       | 122             | 0  | 0  |                |                                                    |
|             | Lusmagh .....         | 113             | 0  | 0  |                |                                                    |
| Killala.... | Donnaughta .....      | 77              | 10 | 0  | 699 0 6        | none                                               |
|             | Meelick .....         | 106             | 0  | 0  |                |                                                    |
|             | Killemur .....        | 210             | 0  | 0  |                |                                                    |
|             | Tyrenascreagh .....   | 77              | 0  | 0  |                |                                                    |
|             | Ballymakill .....     | 324             | 14 | 8  | 372 0 0        | none                                               |
|             | Litrim .....          | 74              | 5  | 10 |                |                                                    |
|             | Lichmolassy .....     | 300             | 0  | 0  |                |                                                    |
|             | Tynagh .....          | 268             | 6  | 8  |                |                                                    |
|             | Donira .....          | 103             | 13 | 4  | 442 12 6       | none                                               |
|             | Kilckleny .....       | 136             | 7  | 6  |                |                                                    |
|             | Creagh .....          | 146             | 5  | 0  |                |                                                    |
|             | Taughmacconnell ..... | 160             | 0  | 0  |                |                                                    |
|             | Ardagh .....          | 120             | 0  | 0  | 445 0 0        | 4                                                  |
|             | Ballinabaglish .....  | 325             | 0  | 0  |                |                                                    |
|             | Kilcoran .....        | 332             | 0  | 0  |                |                                                    |
|             | Kilvarnet .....       | 88              | 0  | 0  |                |                                                    |

Have any of our readers had the fortune to meet with such proofs of disregard of duty, rapacity, and contempt of the discontented, tithe-paying Catholics, as this list exhibits? It is needless to add comments; we only beg the reader to recollect what we have already said on the subject of first fruits; and that this is the Church of which property is so sacred that a proposition to interfere with it has been pronounced by Mr. Canning to be the *basest* proposition that could be submitted to a legislative assembly\*.

IV. When complaints are made of laws, it often happens that the grievance

complained of is occasioned not by the law, but by the abuse of it. The law giving the landlord power to *distrain* for rent and to eject, are subjects of much complaint in Ireland. Without affirming that a better security might not be given to the landlord than the power of *distrain*, it may at least be doubted whether such security must not include a power lodged somewhere to seize the effects of the tenant *summarily*, as often as his rent is in *arrear*. The law arose out of the practice in ancient times of paying the rent in kind from each year's produce, which the landlord could not have enforced without an authority to take it, before the tenant could find time to carry his produce away. The necessity of the law is therefore proportioned to the poverty of the

\* Parl. Hist. and Review, Sess. 1825, pp. 370, 626.



tenant. In Ireland he is so poor, that if the produce were taken away, the landlord would remain wholly unpaid. The policy of the power to eject tenants from possession, is obvious. As in Ireland the tenants frequently combine to resist the payment of their rents, the power to eject is more necessary there than elsewhere. Both laws are greatly abused; the evidence before the committees establishes the fact beyond all doubt; and the abuses of both might, we believe, to some extent, be cured by a few new provisions, as we shall shew hereafter. But the best security would be to cheapen the legal remedies against abuse. Procedure is in all countries expensive; but in Ireland it is so expensive as to be entirely out of the reach of the poor. To use the language of Mr. Martin, "though the law may be equally administered in Ireland, it is not accessible, any more than the City of London Tavern, to those who have no money\*."

However, since the interests and prejudices of the rich will probably long stand in the way of such a reform, we must look for the next best that can be had. The abuse of the power of distraint might, perhaps, be lessened by obliging the landlord previously to establish his claim, and its amount, before some judicial officer; such a step would not affect the necessary dispatch; and it would be better that the distress were executed by bailiffs publicly appointed, and not by any person whom the landlord may delegate, as at present. With respect to the hardship resulting from the intervening, as well as head, landlord's power to distraint, it has been proposed to prevent the middleman from distraining until he has paid his own rent to the landlord. But such a law would be inefficient; for as he acts now in defiance of the tenant's right of set-off, he would not scruple to act in defiance of an absolute inhibition. If he were bound to prove before some judicial officer his payment to the landlord, the abuse in question might likewise be diminished; but to give an available protection to the tenant, against the landlord, in consequence of the middleman being in default, the tenant must be empowered to pay the landlord judicially, and the middleman be prevented by the officer in question from distraining for more than the balance. The abuse, however, will not be greatly diminished: for what is to prevent

the landlord or the middleman from distraining for more than they are judicially authorized to do?

The abuses of the law of ejectment arise out of the Civil Bill procedure, the consideration of which we must defer, until the report promised by Lord Liverpool shall be presented to the House\*.

For the present, however, we may observe, that integrity is as essential an element in the composition of a tribunal as cheapness; and it is not always easy to combine integrity with cheapness. The *Manor Courts* unite to a great degree dispatch with cheapness in their procedure; but they possess no security against corruption. The stewards, or seneschals, are, in the greatest number of instances, persons without character,—according to Mr. O'Connell, hedge-schoolmasters, or drivers to estates; for their courts are in such bad odour, that respectable persons can seldom be prevailed upon to accept the office. The consequence is that they lend themselves to every kind of abuse. They have fees on every suit; and in order to increase suits, they permit a single debt to be split into several causes of action; a debt of one pound being sometimes divided into four debts of five shillings each. Their bailiffs make seizures, without rendering the amount to the proper parties, and the juries take bribes of whiskey, because there is no power to prevent them. The only remedy yet given for these abuses is, that the seneschal is now obliged to enter into a security, with two sureties, to perform his duties "truly and faithfully†." The remedy is a mere mockery to the peasantry. To make it available, they must sue the steward in one of the courts of law; and the courts of law are altogether out of their reach. There is no reason given on the score of *vested rights*, why the Manor Courts should not be altogether abolished, and their jurisdiction added to the Civil Bill Courts. Jurisdictions of the same nature existed in Scotland, not more than eighty years since, and were abolished by the legislature.

With the subject of judicial integrity is connected the offices of sheriff and undersheriff. The main defect in the former is, that the sheriff has no control over the malpractices of his undersheriff. And with respect to the latter, it is executed with such effrontery of corruption as nearly

\* *Ante*, p. 31.

† Stat. 7, Geo. IV. cap. 41.



to exceed belief. The reader is, doubtless, aware that the most important functions of undersheriffs are to arrest debtors at the commencement of suits, and to capture their persons, or seize their property for the satisfaction of debts, if judgment be awarded against them. To proceed by arrest in Ireland, is either nugatory or accompanied by great expense. There is no bailiff to execute the arrest; the plaintiff is therefore obliged to employ a person for the purpose, for which he must indemnify the sheriff, or rather, in practice, the undersheriff, against loss from his malfeasance—and also pay an extra fee, or a poundage on the amount of the debt. The undersheriff gives himself very little trouble in the arrest; for, as the debtor will frequently pay the debt at once, rather than expose his situation, by applying to his friends for bail, the undersheriff loses the profit of final execution, which he would gain if the defendant, from being sued without arrest, should proceed to resist the claim for the purpose of delay. But if the undersheriff can be induced to make an effort to execute the arrest, the plaintiff must bid a higher price than the defendant will give for an intimation to keep out of the way. The *douceur* from the plaintiff sometimes amounts to a hundred pounds. It is not, however, till after judgment that the power of the undersheriff is most abused. A plaintiff has two ways of proceeding to get satisfaction. He may take the defendant and shut him up in prison until he pays the debt, or he may seize and sell his effects. If he proceed by capture, he gives the writ of execution to the undersheriff, by which the latter is ordered to take the defendant's person immediately, in order that the debt may be satisfied. The object of the undersheriff is profit; the plaintiff must, therefore, outbid the defendant, as in the case of arrest; but as it is much more common for the defendant to reside within the undersheriff's county, than the plaintiff, who, in many cases, must be a stranger, the undersheriff generally leans to the defendant, because, if he have more affairs of the same kind, he will be a better *customer* than the plaintiff; if the defendant be in embarrassed circumstances, the undersheriff will prefer him without fail, so that the difficulty of securing his person increases in proportion as it becomes necessary. If the plaintiff proceed by seizure of the defendant's effects, the undersheriff is ordered to make up the amount

of the debt immediately from them. Sometimes the undersheriff will refuse to do his duty without a *douceur* paid down or stipulated; if none be proposed at first, he will raise the money, and decline to pay it over, without one. In this case, the plaintiff must again outbid the defendant. If the plaintiff pray the court to punish the undersheriff for the abuse, by a process, called attachment, the undersheriff may discharge himself by affidavit; and if the plaintiff resort to an action at law, he sues at the risk of paying treble costs in the event of failing, and of being outsworn by such persons as sheriffs' officers, and their deputies. In England, besides the power of the tribunals to punish, and the strength of public opinion, an undersheriff is prevented from abusing writs of execution, by the circumstance of not holding his office for more than a year, which makes him execute them without delay, in order to get the profits within his year; but in Ireland, as the undersheriff continues in office for life, under the names of other parties, he has time to draw the profit of delay; delay, in fact, bounded only by the defendant's ceasing to be a profitable customer. The evil resulting from these abuses is serious indeed. The capitalist or the merchant, finding that he has no security for his debt, ceases to give credit: the country suffers from a want of the money of the capitalist, and the commodities of the merchant; and the peasant's employment is diminished. The commissioners from whose report we extract some of the foregoing details, suggest as the main remedy, the attribution of all the functions of the undersheriff connected with the courts to a permanent officer, like the sheriff-depute in Scotland, who should be particularly under their control, and be bound in sureties to perform his duties properly. The suggestion must, we think, be approved of, although we feel inclined to doubt whether the annual removal of the undersheriff from office, would not afford a better security, by the interest it would give him in a proper performance of his functions. Permanent officers may get favour with the judges—they will be looked on as part of the courts themselves—their appointments will, perhaps, fall into the hands of the judges; and, unfortunately, there is no public opinion in Ireland strong enough to correct such defects.

The subject of *Police* in Ireland is, perhaps, of all others that which calls for



the gravest attention at the present moment. The good to be effected, must grow up by degrees. The introduction of capital, the establishment of proper education, and the creation of habits of industry and order, call for time; but still more for tranquillity and safety. This is not the place for entering into the general question of an unpaid magistracy; suffice it to say, that as in Ireland the poverty and ignorance of the peasantry make it more difficult to rule them, and at the same time give greater scope to abuse, the defects of such a magistracy, on the score of want of the necessary talents, zeal, and responsibility, are more particularly felt. The evidence before the committees shews, amongst other things, that the late *epuration* has left many magistrates still in the commission altogether unworthy of their office; being either persons without character, or quite uneducated and ignorant. It is a common habit with such magistrates to receive presents in fowls, potatoes, and even money; some, who would not venture so far, get unpaid harvest-work, turf-cutting, and the like, from the suitors. Sometimes they lend themselves to oppression, by summoning parties to appear before them at great distances from home, or several times, without appearing themselves; men have been even committed to prison, as felons, for non-performance of bargains, or for refusing to quit possession of their houses. To the magistrates may be joined the *Grand Juries*, whose corrupt waste of the money raised for county purposes, is notorious; but we must wait for the measure mentioned by Lord Liverpool before we enter into the subject.

With respect to the extraordinary instrument of police, called the Insurrection Act, it is a matter of great difficulty to judge of its fitness for the end in view. Its name leads to a misapprehension of its purpose; which is not so much the prevention of insurrection, or outrages committed by numbers, as to put a stop to burnings, houghing cattle, and posting menacing notices; acts that can be all done without combination. The combinations of the peasantry have, in fact, been exceedingly few, compared with the notion commonly entertained of them. The attack on the police station, at Glanisheen, in April 1823, was made, at the utmost, by a hundred persons. The combinations of the English peasantry for the purpose of poaching, appear to be more numerous and frequent. The crimes of burning, hough-

ing cattle, and the like, can be committed by single persons, and in the night, and as the great body of the peasantry is disposed to the commission of such offences, discovery of the offenders is nearly impossible. To shut all persons up in their houses during the whole night, and, by order of a bench of magistrates, to transport such as are seen abroad, are certainly very powerful means of prevention. But a great deduction must be made for the evil contained in the remedy. It is a great evil to the well-disposed to be kept at home all the night, and great injustice must be done by the magistrates who try the offenders. All that can be fairly said upon it is, that considering the great present mischief, and the still greater future evil from the alarm of capitalists, which the law was made to prevent, the power is not too great; but, looking at the persons who are appointed to execute it, it must be allowed that great mischief must arise from its exercise. One thing, however, ought to be remarked; none of those who complain of the law, suggest any remedy for it—applicable, we mean, to the actual state of things. Some immediate remedy is necessary, and it is better to seek for one, than merely to condemn the existing regulation.

V. Amongst other subjects connected with the parliamentary inquiry concerning Ireland, was the subject of *Tolls*. A toll is a tax; and every tax, abstracted from any consideration of the services for which it is raised, is an evil to the community. The only circumstances which counter-balance the evil, are either the services, or some right of property. Tolls are raised for the maintenance of roads, bridges, market-places, harbours, the expenses of corporations, and the like, and perhaps it is better to support these by tolls, than by deductions from the taxes levied by the Government. Tolls belonging to particular persons follow the course of other property, and must not be touched without compensation; but those belonging to corporations, for which no services are rendered, might be, and ought to be swept off, saving only the claims of creditors. The defect in the proper tolls, is the great difficulty of preventing extortion. The common law, as it is called, says, that "even were outrageous tolls granted *with a fair and market*, the grant would be void\*." The



and the statutes upon the subject exempt turf, furze, timber for fuel, and articles connected with the manufacture of linen from toll, and oblige the weighing masters at markets and fairs to weigh potatoes gratuitously\*. But it appears from all the returns made to the clerk of the peace in one of the largest counties in Ireland, that the tolls levied on corn, potatoes, oatmeal, fresh butter, flannels, friezes, coarse woollens and linens, amount to five per cent. *ad valorem*; and as if such an impost *once* imposed were not grievous enough, it is levied a second time on the same articles, if afterwards sold by retail. The law, too, is not only violated in respect of the "outrageousness" of the tolls, it is actually disregarded with respect to articles exempted; for in several cases, claim of toll on turf and furze is specifically made; and a general toll on wood and timber is made to timber for fuel. Flax, yarn, linens, bandle-cloth, cottons, kelp, ashes, and flax-seed, wheels, reels, and hackles, are sometimes specifically charged with toll; at others, they are included in the lists of tolls, as "articles sold by the yard"—"bale-goods"—"turned and wooden ware," &c. These are but a small part of the abuses; we refer the reader to the Report of the Select Committee, if he desire to become acquainted with the whole†. This subject is manifestly a grave one, when it is considered that numerous or exorbitant tolls may be a great check upon industry, especially the industry of the poor, and that it affects articles of such serious importance as *potatoes and turf*. The annual amount collected, by some calculated at 500,000l.‡ and by others at a million§, renders it serious; but the way in which it was handled in the House of Commons, proves very little in favour of that body. A more accurate inquiry was moved for by Mr. S. Rice than has hitherto been made, which appears to be without objection; but the proposition was met by such reasons as the following:

1. The objection of tolls obstructing industry, applied to Covent-garden market, and to towns in England §:—which is only a reason for curing it in England also.
2. The like disorders arise from resistance

to demands for rent and tithes as for tolls\*. But by curing the defects in the tolls, the disorders would be so far lessened, and, to use the fallacy of *precedent*, since a remedy has been devised to cure the disorders arising from improper demand or extortion of rent and tithes, for the same reason, let one be made for tolls. 3. The gentlemen of the neighbourhood ought to make an example of the offenders\*. Why is there reason for supposing that they will do so in future, seeing that they have hitherto done nothing? 4. The inquiry would be Herculean†. Take then the necessary Herculean talents, and proper time. 5. If tolls were so extravagantly high, the country gentlemen, out of whose pockets they must be principally paid, would not fail to make the grievance known, so as to reach the ear of Government‡. Now it is just because tolls do *not* fall on the country gentlemen, but on the poor feeders upon potatoes, and weavers of Irish linen, that the grievance is not known. By Government, Mr. Plunkett, who made the last remark, meant himself as Attorney-General. Mr. Fitzgerald well answered it in another way. "He wished Mr. Rice could prevail on Mr. Goulburn to take up the matter sincerely; though he never knew a secretary of Ireland who knew much of that country, nor a great lawyer who knew much of any country§." From the strong opposition, and the feeble arguments with which Mr. Rice's proposition was met, we should feel inclined to infer, that there is more importance in the subject than has been disclosed; unless indeed, the Irish Government opposed it from mere indolence.

VI. On the subject of *Corporations*, mentioned particularly by many of the witnesses, there is but little to be said. It is not easy to see any connexion between the good of the community at large, and the unjust exclusion of a few Catholics from the freedom of boroughs, or the depriving non-resident voters of their right of suffrage at elections. The subject is scarcely worth inquiry.—As to the administration of justice in corporations, we know no peculiar advantage in it, which should prevent their jurisdictions from being made over to the Civil Bill Court.

\* 4 Anne, cap. 8—25 Geo. II. cap. 15—1 Geo. III. cap. 17—11 and 12 Geo. III. cap. 31—32 Geo. III. cap. 29—37 Geo. III. cap. 188.

† Parl. Abstracts, Sess. 1826, p. 35, et seq. (Commons—Ireland—No. 49. 1826.)

‡ Mr. Plunkett, *ante*, p. 63.

§ Mr. Goulburn, *ibid*.

\* Mr. Goulburn, *ante*, p. 62.

† *Ibid*, p. 63.

‡ Mr. Plunkett, *ibid*. § *Ante*, p. 64.



far as such claims are concerned as that tribunal decides; and as to actions of importance, we know from experience in England, that they become so constantly the subject of appeal to the higher courts, that it would be better to deprive the corporations of their jurisdiction altogether. The powers of magistracy and police are generally executed as improperly by corporations as by the county magistracy; with the further impropriety of being much more frequently abused for the purposes of local and political parties.

The subject of the forty-shilling freeholders is worth adverting to, more on account of what has occurred out of parliament than in it, since the publication of our last volume. The reader will recollect, that at the last general election, the forty-shilling freeholders of two or three counties voted for candidates favourable to emancipation, contrary to the wishes of their landlords. The fact proves but little in favour of the institution; for there is reason to believe that they relied for protection on the Catholic Association. But as the Catholic Association cannot exist for ever, their independence, as it is termed, will cease with it. The most remarkable circumstance was the plainness with which some of the newspapers, and other publications, condemned the proceedings of the peasantry as "a desertion of their natural allegiance to their landlords." Not to enter into the real meaning of the phrase, the theory of *natural allegiance* must sometimes lead to an awkward result. If natural allegiance make a tenant vote for a tory candidate to-day, it may also oblige him to vote for a whig candidate to-morrow in the next county. This is only one of the absurdities, which the theory involves. Such is always the consequence where utility is lost sight of; or when men attempt to combine partial with general interests.

There is a vague feeling of apprehension very generally prevailing, at present, on the subject of disturbances in Ireland, which requires some notice. The fears as to the potatoe-crop have ceased, and the public papers contain but few accounts of disturbance. The only evidence that exists, is the intemperate conduct of a few Orangemen, and the activity and violence of the Catholic Association and its leaders. The Orange speeches prove but little; for their makers can have no more ground for expecting disturbance than ourselves, nor can excite much additional exasperation

by what they say; and although the Catholic Association be active in collecting its rent, and the leaders make fiery harangues, we cannot conceive that enough rent will be collected to do any mischief with, or that the interests of the leaders would lead them to do it. The mischief apprehended is an insurrection—an insurrection of the Catholics against the Protestants. Now, it is impossible to suppose, that the mischiefs of such a proceeding have not been calculated. The leaders cannot suppose that the Government would be wise enough to yield in time, or even if it were, that it would not be obliged to resist by the importunity of the Protestants. The success of an insurrection is so infinitely improbable, considering the strength of the Government, and the want of means in the insurgents, (the Insurrection Act having disarmed the peasantry,) that the punishment or ruin of the leaders must be looked upon as nearly certain. Such amongst the latter as have the benefit of the peasantry at heart, must moreover see, that besides the immediate evils of defeat and disturbance, the objects they have in view would be placed more than ever, beyond their reach, in the event of an unsuccessful struggle. Why then, it may be asked, is such menacing language held in the Association? First, from mere folly and excitement: chiefly, perhaps, with a view to frighten the legislature into a removal of the Catholic disabilities.

## FOREIGN DEPENDENCIES.

I. *Negro Slavery.*—II. *Slave-Trade.*  
—III. *Sierra Leone.*

It will be in the reader's memory, that the resolutions of the House of Commons on the subject of Negro Slavery\*—resolutions afterwards adopted by the House of Lords—were moved by a member of the Government, for the purpose of superseding a proposition from a warm supporter of Negro emancipation (Mr. Buxton,) which declared that slavery ought to be abolished on the grounds of its repugnancy "to the principles of the British Constitution, and of the Christian religion." We shall content ourselves with referring the reader to the discourses of Mr. Canning†, and Lord Dudley and Ward‡, for informa-

\* Parl. Review, *Sess.* 1825, p. 641. *Vid. et ante*, p. 76.

† *Ante*, p. 76.

‡ — p. 102.



tion on the subject of these two propositions, as their remarks appear to contain nearly all that can be said on the subject. The graver point, in Mr. Buxton's proceeding, was the circumstance of referring the question to a religious dogma, and not to expediency. Expediency lets in considerations of the means as well as the end; but a dogma, and particularly a religious one, excludes all consideration of the nature of the means. If the institution of slavery—if the keeping a slave—be repugnant to the Christian religion; if the toleration of slavery be a *sin*; if the keeper of a slave incur the penalties of religion, as he must do, if the institution be sinful, it follows that all considerations of the worldly welfare of the masters and of ourselves, as connected with the existence of slavery, must *immediately* give way: otherwise there is a fallacy in the doctrine which teaches that our religious interests are *infinitely* greater than our worldly ones. Lord Calthorpe's explanation of the resolution is manifestly inconsistent\*. If the abolition be gradual, *because* due regard must be paid to the master's interests, the master's worldly interests are preferred to the heavenly ones of himself, and of us, who tolerate slavery. In short, the supporters of Mr. Buxton's resolution must be held to regard the planters, their supporters, and such of their opponents as are willing to give them time, as regardless of their religious interests; as wagering property and power against posthumous punishment.

But as it is clear, from the manner in which he proposes to act, that Mr. Buxton neither would, nor could, follow up his resolution to the letter; his notions must, in fact, be bottomed on a vague perception of expediency. His resolution, accordingly, is only to be regarded as a sign of the *spirit* with which he would act; and it should seem as if he had but loosely calculated the consequences of what he proposes, in a matter requiring the exercise of so much deliberation.

Mr. Buxton, however, does not stand alone; he is supported by many members of both Houses, and by many well-intentioned people out of doors; he possesses a very active body of coadjutors, in the preachers of the more enthusiastic portion of the church, and of all the congregations of dissenters, without, we believe, an exception. Therefore, notwithstanding the

current disclaimers of any wish to precipitate emancipation, we fear the prevalent notions on that head are still as loose as ever. The real contest is between the slave-owners and the *ultra*-abolitionists, and the question must be argued in that view.

The problem, then, is, whether the estates of the planters could, or could not be cultivated as cheaply, and profitably, (or nearly so,) if the slaves were enfranchised, as at present. If they could not, the planters ought in justice, (or, in other words, because it is eminently useful to maintain the rights of property), to receive a compensation in proportion to the loss. But as it is probable that the change in the mode of employing labour would effect not only its diminution, but its entire cessation, the compensation ought to extend to the whole value of the estates. This recompence the country neither would nor could pay to any sufficient extent; the project, therefore, for precipitate emancipation, ought to be abandoned, and we must confine ourselves to such measures as will not deprive the planters of workmen. In the event of a precipitate emancipation, the ultimate cessation of labour we have described may be anticipated with certainty, from the extreme fruitfulness of the soil in the particular commodities consumed by the West-India Negroes, and the consequent absence of sufficient motives for voluntary exertion, *i. e.* the exertion necessary for the planter's purposes. In our last volume, we adduced positive evidence of these facts, and also showed the insufficiency of the proofs on which the *ultra*-abolitionists rely, to establish an opposite conclusion. A report has since appeared from the two Commissioners, deputed to inquire respecting the industry of certain free Negroes, captured in slave-vessels, and established in Tortola, and the rest of the Virgin Isles, by the Government. The portion of this document, which is the work of the Commissioner (Major Moody) who made the fullest inquiries, amply confirms our conclusions; we must add, however, that the other Commissioner materially differed from his colleague, and as we are deprived, by his death, of whatever facts he might have been able to allege in reply to Major Moody's report, we shall abstain from citing that report as authoritative evidence. It is scarcely necessary to go into much more argument of the same kind at present. Perhaps, it is scarcely fair: perhaps it is but just to

\* *Ante*, p. 99.



wait for the result of whatever further researches the abolitionists may think right to institute, in this view, and more particularly, researches into the state of Hayti. Their abstinence from such researches hitherto, is a circumstance inexplicable to us, and not explained by themselves. A company has been established for the cultivation of tropical produce by free labour, "The Tropical Free-Labour Company," and another for working the mines in Hayti, by the leading members of the abolition party: it is clear, therefore, that there is nothing to prevent the inquiries; and there is no probability of their being resisted. Why, therefore, are these researches wanting? Why have none of the numerous missionaries in the West Indies sent home the statistics of that island? It has been publicly stated that a *forced loan* has been resorted to by the Haytian Government to raise the *first instalment* of the money undertaken to be paid to France, as the price of a recognition of independence. This is but a sorry comment on the boast which was founded on the amount and easy subscription to the Haytian loan. The abolitionists must institute this inquiry. The example of Hayti is of the most favourable sort for their purposes. The soil is rich, and well adapted to culture. It was in tillage when the revolted inhabitants took possession. Much useful capital, tools, beasts of burden, fencing, and the like, must have escaped the ravages of the insurrection. The population has since doubled\*; whence we infer an increase in the voluntary motives to exertion, and nearly twenty years have been passed in uninterrupted tranquillity. If steady voluntary labour be not to be found in Hayti, it will be found no where among Negroes. In expectation of the result of these researches, we will add only one further argument against precipitate emancipation. If it be true that the enfranchised Negroes would perform the necessary work, why is there no instance of the present free Negroes having done it? Or if such free labour would be cheaper, as it is contended to be, why do not the planters employ the free Negroes on their estates? It will not suffice to reply that the prejudices of the planters prevent them from employing these Negroes, because they do employ them in the lighter sorts of labour, as carpenters,

joiners, and the like, and even as menial servants, in which capacity, we should infer from their frequent personal communication, they would excite these prejudices more strongly than in the employments of the field. In Russia, which has been so confidently appealed to for proof of the superior advantages of free labour\*, we find competition—we find that the free peasants perform work—we find them employed. The economist, Storch, whose authority is cited on this point, observes, that

"Those who hire slaves in Russia, are obliged to pay more than they who hire free men, unless they live in a place where the competition of free labourers reduces to a level the hire of slaves, and the wages of free labourers. The interior of Russia, and the capital of that empire, furnish proofs of the truth of this observation. In the capital, the competition of free labourers is the greatest, and although the wages of free labour are very high there, the hire of slaves is, notwithstanding, less than in the interior."

This competition of free labour is the vital distinction between the cases of Russia and the West Indies, and renders any conclusion drawn from the one, inapplicable to the other. Mr. Hodgson maintains that the free Negroes will not labour, because "labour is rendered degrading, or at least disreputable, by being confined principally to slaves†." In Russia, labour does not degrade the free peasant, as we see by the above citation; but, supposing that there is a difference in that respect between Russia and the West Indies, Mr. Hodgson's admission that the free Negroes will not labour, proves too much. If they will not labour, that is to say, labour in the degree required by the planters, how do they exist? We answer, that they exist on the produce of a very small quantity of labour, which proves the fact at the bottom of the question, that is, that the Negroes, if free, could exist on a quantity of labour altogether inadequate to the necessities of the planters. Mr. Hodgson argues, that the operation of the principle of population would compel the free Negroes to work‡. The truth of his conclusion is indisputable. But when? At the end of what period? The want of hands for a single year, would ruin every planter in the Colonies.

An objection has been taken to this

\* Parl. Review, Sess. 1825, p. 647.

Sess. 1826.

\* Hodgson's Letter to J. B. Say, p. 4.

† *Ibid.* p. 26.

‡ *Ibid.*



mode of conducting the inquiry; but "economists and calculators" (nicknames invented by Mr. Burke—and his be the glory therefore,) are not to be beaten down by the empty declamations of the ultra-abolition party. It must, however, be observed, that empty declamation is not confined to the ultra-abolitionists. The planters themselves are not a whit less sentimental than their opponents. They have chosen, for reasons we shall advert to hereafter, to confound the projects of the latter with the plans of the Government, and have accused the administration of imprudence, hypocrisy, and fanaticism, with as much intemperance as they inculcate the abolitionists themselves. The folly of this conduct is now manifest; it has given rise to feelings of dislike in dispassionate men, and we believe has lost them the countenance of nearly the whole country. The Government plans are faulty in some respects; but to confound them with the projects of the abolitionists, of which many are ill considered in the extreme, is not the way to remedy their defects.

That part of the Government regulation which has roused the greatest opposition on their parts, is the power given to the slave to purchase his freedom, *without the consent of his owner*. Their objections are nearly all contained in the following note, appended to the draft of the new slave-regulations established by the Court of Policy in Demerara.

"The Court, in its anxiety to conform, as much as possible, to the provisions of the Trinidad order, has, after the maturest consideration, found itself called upon by its duty, to confine its deliberations to the object of simplifying the mode of manumission, and rendering it as little expensive as possible, and particularly of securing to the slave thus manumitted his freedom in the most formal and unquestionable manner. It has felt it to be beyond its power, without the breach of a sacred trust, which binds its members to protect the rights and interests of their fellow-colonists, by whom they are nominated for that purpose, to give their sanction to any measure which could, even by construction, imply an acknowledged right on the part of the slave, to demand his freedom, *invito domino*. They feel themselves called upon openly to avow the principle, that they have not the right to invade the property of their fellow-colonists, by admitting that they can in any manner be deprived of it contrary to the law, by which it is secured to them, and which his Majesty has been graciously pleased to guarantee by the articles of capitulation, on which this Colony surrendered to his Majesty's arms. This principle is laid down in Earl Bathurst's letter of

the 9th July, 1823, addressed to the Governors of Colonies, having local legislatures, wherein the *consent of the master* is distinctly coupled with the application to be made, by or on behalf of a slave for freedom, and the Court has the more firmly adhered to the same principle, since the confirmation of it by Earl Bathurst in his despatch of 18th March, 1824, to Sir B. D'Urban, wherein his lordship states that, as the Trinidad Order in Council has been framed according to the circumstances of the Spanish law, so his lordship desires the transmission of the draft of an Order in Council, applying the same provisions to the circumstances of the Dutch law in the colony of Demerara. The difference between the Spanish law in Trinidad and the Dutch law in Demerara, respecting slave property, is great. The Trinidad Order in Council has not affected the principle of the Spanish law, which allows a slave to enfranchise himself by purchase. The Dutch law in this colony gives no such right whatever to a slave: here the interest of an owner in his slave is that of fee-simple absolute; he purchased upon that tenure, he has continued to hold upon the same, and cannot be deprived of that legal title, without a direct violation of property; the law alone can deprive him of it, in consequence of some judicial process, by which he is compelled to surrender it, in satisfaction of some debt. In Trinidad it is otherwise: a person purchasing a slave in that colony knows beforehand that he acquires only a precarious title in such a slave, which depends on the ability of the slave to purchase himself. But let the Spanish law be what it may, it can never alter the existing law of this colony; and it may fairly be inferred from Lord Bathurst's letter, that no subversion of the law is intended, and that it is far from the intention of his Majesty's government to annihilate in this colony the right of property, which is scrupulously held sacred throughout his Majesty's dominions. Slaves in this colony are chattels as much as any other moveable property, unless attached to a mortgaged property, and included in the mortgage, when, during the existence of such mortgage, they are considered as part of the whole property. In the latter case, the owner of such mortgaged estate cannot dismember his property piecemeal, but without such mortgage he has the entire control over his slaves. Neither is it the law that proprietors can be forced to dispose of their property, real or personal, when its value is offered to them by others. To give to the slave the right of purchasing himself, against the will and consent of his owner, will annihilate the right of the owner, and confer on the slave a power which no other person possesses."

Let us here stop to examine this reasoning. With respect to the first argument, the absence of a *right* to make a regulation affecting property in the way proposed, there is a fallacy in the term itself. A *right* is a capability of acting or enjoying, under protection against all who might prevent such action or enjoyment by superior force. A legislature has no rights. It has power. It has that superior force by which it guarantees the rights of others;



by which also it sets those rights aside, when expediency requires their abolition. Then what would resist the power of the court of policy? Not the planters, for those who should not assent (as most would assent, to the decision of their representatives), would be quelled by the first report of a regimental musket; nor the slaves for they would support the regulation. The distinction between the property in the slaves in Trinidad, and the slaves in Demerara, and it may be added the slaves in all the other colonies, is no reason, considered abstractedly, as urged by the court of policy. If the property in the Demerara slaves be more absolute than in the slaves of Trinidad, it is of greater value; and if the compensation for the manumission be fixed at a higher proportionate rate, the ends of justice are obtained. As to destroying the right of property, it may be observed, that there is no advantage, *per se*, in the right of property; its advantage consists in its results. The results in the West Indies, as every where else, are money or money's worth; and these the right of self-enfranchisement does not take away. The comparison between the obligation of selling freedom to the slaves, and selling their estates, is faulty, because the circumstances are not the same. The end of a law or obligation is to do good. A law to oblige the sale of an estate against the will of the owner, would do no good to any body; the right of self-enfranchisement does good to the slaves, or at least, has that object in view. These fallacies, like all others connected with affairs of government, arise either from confounding the end of law with the means, or keeping the end out of sight altogether, and they are easily detected by applying the end as a test. The objection drawn from Lord Bathurst's demanding a draft of a regulation from Demerara, applicable "to the provisions of the Dutch law," which gives an absolute property in slaves, is mere chicane. The single and manifest intention of the published proceedings of the legislature, and also of the Government, was that the right of self-enfranchisement should every where be granted in an available manner. If the obtaining the consent of the master be an obstacle to the manumission, which the objection must suppose, (for it would otherwise be insignificant,) the intentions of the legislature and Government would be thwarted. But

this is not all. The fact itself is misrepresented. Lord Bathurst states, that obstacles to manumission may arise from the slave and his children being made the subjects of entails, family settlement, mortgage, and the like, "and his manumission cannot be effected without the concurrence of a series of reversioners, remainder-men, mortgagees or mortgagers, some of whom may be infants, and others may not even be in existence during the life of the slave." This concurrence is explained in the clause providing the remedy. It is stated, that permanent Commissioners should be appointed to summon the parties to "attend at the time and place of the appraisal of the slave," and if they did not attend, the appraisal should be made in their absence. In another letter from Lord Bathurst to the Governor of Demerara and Berbice, under the *same date*, and inclosing the letter referred to by the Court of Policy, his lordship directs the governors to press the adoption of his suggestion by the Court of Policy, "applying them to the Colony of Demerara, in such manner as is most suited to the existing laws and usages of that colony, preserving at the same time their entire spirit."

The note goes on to state as follows:—

"The ruinous effect of such a state of things could hardly be calculated in their full extent. All tradesmen, such as carpenters, masons, coopers, &c., having one or a few slaves whom they have brought up to their trade, and with whom they earn their living, would be exposed to lose their slaves, the more valuable to them, in proportion to the smallness of their number. Unprincipled persons might tamper with slaves, furnish them, on certain conditions, with money, and entice them in this way from the service of their owner, with a view to employ them under an indenture, and in their new condition probably ill-treat them; while the owner, who is deprived of them, sustains a loss which no money can repair: his trade is at a stand, or at least on the decline; he is obliged, from want of employment sufficient to maintain his family, to spend for their support the money he has received for the slaves thus forced from him; and, finally, he becomes a beggar, surrounded by a miserable family, without means to relieve them.

"The fate of the planters would be equally distressing. It is fairly calculated that the average number of able effective people upon an estate is about one-third of the whole gang, the remaining two-thirds being composed of infants, who are a burden to the owner, and of the aged, who receive from him support. The parties most able to obtain their freedom are among the former, a class without whose assistance the proprietor would be unable to carry



on the cultivation and management of his property. If the power to purchase freedom be absolutely vested in the slave, free from all control on the part of the owner, the latter would hold the same by a precarious tenure, defeasible on the production of a sum of money, either by the slave, or any other on his behalf. Besides, tradesmen of every description, and others, who form the most useful and indispensable class, might thus be removed from the estate, to the irremediable detriment of the property, and consequent ruin of the owner, as the non-importation of slaves renders the replacing of such slaves so manumitted a matter of impossibility. In progress of a short time, a most valuable estate might thus be rendered useless, for the want of able men, cultivators, as well as tradesmen."

The Trinidad Order provides that if the master and slave cannot agree upon the terms, one appraiser shall be appointed on each side, and an umpire by the chief-judge, to value the slave, and, on the payment of the appraised value into the treasury, the slave shall be free. Value here means value to the master. The real value of a slave must depend upon the facility or difficulty of substituting free-labour for the labour of such slave, and if the price be determined on that principle, it must be a full compensation. In ordinary cases, the value may be ascertained by reference to the market; in extraordinary ones, that is to say, when there is no other slave to be had of the same sort, or when no free-black can be found to do the same work, the compensation must be equal to the whole loss of the owner, including the price of the slave, and loss in other respects, as of his lands or tools becoming useless in consequence of the slave's withdrawing. The price of the first order of slaves might be governed by a *maximum*, as we have before suggested, in order to prevent any combination between the master and the slave's agent. A *maximum* cannot be established in the case of the latter, which resembles the cases of houses, buildings, &c., required to be pulled down for the purpose of building bridges, or making streets. The value of these slaves to their owners is determined by their particular advantages, and the difficulty of finding the same things with the same advantages elsewhere; in stricter terms, it is determined by their particular services. Thus, if a Demerara carpenter can get a second slave equally good to supply the place of one emancipated, the price of the latter cannot form the subject of doubt; if he cannot get another, nor a free journeyman, the whole

loss of the carpenter in the uselessness of his tools, and the diminution of his trade, must form part of it. It appears that, in effect, the Court of Policy misunderstood the order; they think that a regulated scale of *maxima* is to be established, which is quite inconsistent with the scope of that regulation in respect of compensation.

It must not, however, be forgotten that this principle of compensation is attended by an important disadvantage. The smaller the value of the slave, the less will be the difficulty of finding the means of buying his freedom; and, by consequence, the stronger his desire to do the latter, the greater will be his inducement to reduce himself to little value, or at least to prevent himself from rising to a great one. Soldiers maim themselves to get their discharge; slaves will become awkward and lazy to get theirs; and the consequences, in part, will be loss to the master, increased severity towards the slave, and greater unfitness for freedom, should the slave obtain it.

An observation fell from Mr. R. Ellis, which calls for some attention. "If the slave could purchase his freedom by right or law, it would naturally be the object of his master to keep him poor, by depriving him of those indulgences and privileges, which under other circumstances, would be allowed him\*." This objection would hold good if the "indulgences and privileges" were merely boons conferred by the master. An attempt has been made, in the Trinidad order, to insure to the slave a holiday of one day in the week, that he may have the opportunity of earning money from his provision-ground, or by work. This property in the money so earned, is secured by other provisions in the same regulation. The provision-ground can at any time be re-absorbed by the planter into his plantation, whereby that resource can be cut off; and, as it is an operation which must readily suggest itself, and is accompanied by no difficulty, it seems but too probable that it will be generally carried into effect. A further difficulty occurs with respect to the holiday-work. Combinations of masters against labourers, are, in general, far from frequent; but a state of things distinct from the ordinary one, may call such a combination into existence. For such a combination in the West Indies against employing the slaves

\* *Ants.* p. 127.



on holidays, both the facilities and incentives are peculiar. In European countries, the only motive to combination is the pecuniary interest. In the colonies there is a standing and well-understood conspiracy of the whites against the blacks—the conspiracy of the powerful few—persons in the exclusive possession of wealth, of a peculiar colour, language and manners, and uniformly exasperated by fear and hatred—against a race, inferior in every particular but numbers. The pecuniary motive will depend upon their opinion of the balance of advantages for themselves between losing labour during the holidays, and the eventual emancipation. What, then, is the proper remedy for the withholding the “indulgences and privileges” from the slaves? Such a remedy remains to be devised, and seems to be of difficult contrivance. If the masters were obliged to employ the holiday-work of the slaves, the slaves would take the wages without doing the work; and if the slaves were obliged to work, they would have none of the benefits of the holiday, but the wages. The masters may, and, if the thing can be done effectually, ought to be compelled to assign provision-grounds. But how far such an enactment might be frustrated by assigning bad soils, or inconvenient situations, or how far the already low price of the particular commodities which the leisure and means of the slave permit him to raise, might be reduced to worthlessness by the immense increase which the inducement of self-enfranchisement would produce, we cannot undertake to decide.

The next provision in the Trinidad order resisted by the planters, is that which establishes the admissibility of slave evidence. This provision is opposed with fallacies mainly borrowed from lawyers. One of them is, that slaves would make the tribunals the instruments of doing mischief to their masters. If they swear the truth, their evidence may do mischief to their masters; but the result to the community will be justice. They must, therefore, swear what is false. But no mischief will follow such swearing, unless their evidence is believed; and as the argument supposes that their evidence is known, or suspected, to be false, in other words, that it will not be believed, no mischief can possibly occur.—A second objection is, that the slaves cannot be made to understand the nature and sanction of

oaths. Although it may be true that a slave cannot be made to understand that amongst the penalties of uttering falsehood, there are pains in a *future* life; it does not follow that he may not be made to understand, for he certainly may be made to *feel*, that amongst these penalties there are sufficient pains in *this* life. Before trying the efficacy of *temporal* punishment for the purpose of securing veracity, why reject his evidence because he cannot (if he cannot) be enlightened with respect to *eternal* punishment? Doubts might be suggested as to the efficacy of oaths; it might even be explained that they tend rather to increase, than to prevent false evidence; that, by confining punishment to perjury, mendacity, or the habit which leads to perjury, is encouraged; that in ninety-nine cases in the hundred, the supreme sanction is not so much as adverted to by the witness; that the fear of the worldly consequences of perjury is all in all:—but such a subject is too extensive and important for cursory discussion.

The planters object to the restrictions on the employment of the whip; to the limitation of the number of stripes in the case of men, and its total interdiction in the case of women. If the limited number of stripes will not act as a sufficient stimulus, the driver will resort to inflictions out of the reach of the law, which, as they must be concealed, will probably be more cruel. To European minds, chastisement of women is doubtless a revolting idea. But the women slave must work; and the planter must be armed with the means of making them work. If they be imprisoned, he loses their labour, and their indolence will be gratified. If they be compelled to work in prison, he equally loses their labour, and they suffer from the hands of the gaoler that which they would have suffered from their master. If the punishment employed by the gaoler be not of the sort employed by the master—if it be not the whip—the fact will prove what we have already advanced, viz. that there are inflictions not specified in the law; and the master will resort to them for the punishment of his men slaves, in order to make up for the insufficiency of the legal punishment, and also in order to repossess himself of his old power of punishing the women. If the plans of Government be followed to the letter, the masters, in all probability, will eventually



lose their control over the women, and a great part of it over the men. The consequent loss in labour will be a serious loss; but still more serious will be the diminution of that feeling of submission which is the chief guarantee against insurrection. The evil is indisputably a great one; but it is idle to blame the masters, without furnishing them with a substitute for punishment.

Although there is a broad distinction between the plans of the Government and those of the abolitionists, the West Indians either will not or cannot observe it: they persist in confounding them; and, perhaps, the causes of this confusion may be traced (in some degree) in the proceedings of parliament. The abolitionists began the discussion, and have ever since kept the advanced ground in complaining, and proposing measures, and the Government, in the steps it has adopted, and even in the language which individual ministers have held, has as uniformly appeared to *yield* to their suggestions, and to follow their driving. When the question was introduced in the House of Commons, in 1823, on the strength of petitions remarkable for their intemperance both in language and project, the ministers, without taking breath, proposed only an alteration in the proposition, which to this day, sounds in most ears like an insignificant verbal change. If they had rejected the proposition altogether, and condemned the violence with which it was brought forward, they might have found an after opportunity for producing their own plan independently; by which they would at least have conciliated the more reasonable of the planters. In addition to this, the planters are well aware that the management of the colonies on the African coast (the establishment of which they regard as a standing censure on themselves), is committed by the Government to the most intemperate of the abolitionists. This, then, is the actual situation and state of mind of the West India planter. Confounding the two parties together,—believing the ministerial plans a mere cloak for ulterior measures intended to deprive him of his property—surrounded by a hostile population, in the proportion of nearly twenty to one—placed within a few days sail of a colony where a formidable rebellion was lately quelled with much loss, and nearly within sight of an island, on which, thirty years ago, half the whites were killed by the Negroes,

who have succeeded in preventing the restoration of their property, with the exception of a trifling indemnity of a tenth, or a twelfth promised thirty years afterwards—placed in this situation, entertaining, groundlessly or not, apprehensions like these, he talks of resisting the authority from which the source of his apprehension emanates. But to what does this resistance amount? Mr. Brougham said last session, that the promises of the colonists “had ended in nothing\*.” The assertion is not exactly true, although much of Mr. Brougham’s statement is undeniable. That statement itself, however, proves that the resistance of the colonists is rather the effect of (be it hoped) a momentary passion, than of deliberate intention. Four of the islands, (Tobago, Grenada, St. Vincent’s and Dominica) according to the parliamentary papers, have given a species of protection to the property of slaves. Two (Tobago and Grenada) have diminished the quantity of punishment to be inflicted by the master. One (the Bahamas) has totally prevented the separation of families by private or judicial sale; and one (Grenada) by judicial sale only; in which the former goes further, and the latter as far as the Trinidad Order. Tobago, Grenada, and St. Vincent’s have gone further than the latter regulation on the subject of slave evidence, by the express reception of slave evidence against whites in capital cases. This is one of the topics which has excited the warmest opposition in Jamaica, and many of the other islands: the discrepancy proves that there is no combination or concert between the colonies. Some weight will also be attributed to the effect of the imperfect success, (if we may trust the Jamaica Assembly,) which has attended the Government experiments. For these experiments, Trinidad and Demerara were selected; of which, the former has at present been only eighteen months in trial, the latter hardly one year. Mr. W. Horton (in February last) describes the success of the experiments†. But at a later period, the Jamaica House of Assembly deny the facts; for in an address to the Duke of Manchester, in October last, they state that they had received accounts of the operation of the experiment in Trinidad, from the date of the order in council, which disagreed with Mr. Horton’s representation‡.

\* *Ante*, p. 82.

† *Ante*, p. 81.

‡ Kingston Chronicle, Oct. 19.



But suppose the resistance of the colonies to have arrived at the point which Mr. Canning styles "confirmed contumacy," and that the time is come for the application of the means recommended by Mr. W. Smith—"fear or force\*." According to Mr. Canning there are two methods of applying "fear or force"—the one by fiscal, the other, by military operations. Fiscal vexations are of various kinds. The ports or harbours might be removed from such towns as should exhibit marked opposition, as in the case of the Boston Port bill, before the American war; but as such a measure would be plainly inapplicable to the small islands, and to such of the large ones as have not a second port, we conceive that it could not be executed with any general effect.—The Government at home might lower the duties on East India sugar, or impose a high duty on West India exports or imports. If the reader will refer to our last year's volume on the subject of East India sugar, he will find that the mischief apprehended by the West Indians from diminishing the duty on that article, is altogether unfounded†; West India sugar being able to compete in the foreign market with that of the East Indies, with the trifling aid of a bounty of 3s. per cwt. on its transit through this country. But even on the supposition that the lowering of the duties would be mischievous to the West Indians, it would be undeserved by such of the colonies as would submit, (as all the smaller ones must do immediately,) in the event of an ultimate resort to force. The imposition of a high duty on the export of West India produce, would only be mischievous to the planters in proportion as it would lessen the quantity sold; but exactly as that effect should ensue, the consumers at home would be mulcted by a rise in price on West India commodities; to which must be added the decrease in the production of those commodities, cottons, provisions, and the like, for which the West India produce is exchanged. The infliction would fall as heavily upon the mother country as upon the colonies.—The effect of a duty on articles imported into the West Indies, would depend on its amount. If it were not heavy, the consumption might go on as at present; but if too heavy, it would be lessened exactly in proportion to the heaviness; if it

amounted to a prohibition, it would, of course, cease altogether. The moment a decrease of consumption should begin, a diminution in West India produce would commence. The infliction on the West Indians would be much the same as in the case of imposing a duty on West India exports. The planters would go without our commodities, and give us less sugar and coffee; and this country would produce less cottons and provisions, and pay dearer for sugar and coffee, or go without them. The planters might follow the foolish example of other countries, and revenge themselves by an independent duty of their own; in that case, both parties would be worse off than before. Before the home Government ventures to vex the planters with duties, it must ascertain with what portion of good-will the mother country will lay the rod on its own back. The abolitionists have had for a little while anti-saccharine and anti-sugar societies; but as they did not succeed any more than the anti-beef and mutton associations, projected by the late Mr. Ritson against graziers and butchers, we should infer that the main body of sugar consumers would be altogether recusant. Neither would the decrease in the revenue be a consideration entirely to be rejected.

Lastly comes the resort to military force. If the Government withdrew its troops, the slaves would put an end to the subject, after the example of the Haytians. The military force, therefore, must remain at all events. But as the troops already in the colonies are now barely sufficient to intimidate the slaves, an additional force must be sent over to intimidate their masters. The success of such a step in the smaller islands, in every respect, may be looked upon as certain. But it would be a hazardous assertion to say that the effect on the tranquillity of the slaves in the larger colonies, would not be serious in the highest degree. If it ended in actual conflict, their rising must be looked upon as inevitable. And such are the extraordinary facilities for negro operations, presented in the interior both of Jamaica and Demerara\*—such, too, is the fatal effect of the climate upon European soldiers, especially whilst in campaign, that no man can say when, or at what cost of life and

\* *Ante*, p. 60.

† P. 633.

\* See the accounts of the two Maroon wars in Jamaica, contained in Bryan Edwards work, and Captain Stedman's Expedition to Surinam.



money, such a rising would be quelled, or whether it could be quelled at all. By some, this part of the subject\* has been treated lightly, nor do we question that the terrors of the planters are greatly exaggerated; but we cannot help calling to mind, that within ten years we have witnessed two formidable insurrections, connected in some sort with the plans of the *ultra*-abolitionists, and quelled only at the expence of many lives, and that the late slave trials in Jamaica exhibit, beyond question, considerable indications, that something serious was in preparation amongst the negroes in that island.

But let not the reader infer from the difficulties in the way of *coercing* the colonists, that no improvement can or will take place in the condition of the slaves. Something, we have seen, though little, has been done; and when the planters shall grow cool enough to note the distinction between the Government plans and those of the violent abolitionists,—when, moreover, they shall witness the successful issue of the former, we may hope for more extensive amendments. The good opinion of the mother country is of importance with all colonies; with such as are so dependent, and so small in point of white society as the West Indies, it is of the very first importance. The planters and other parties, connected with the colonies, who reside in this country, and commonly called the West India interest, have accorded their approbation to the Government plans. Before resorting to measures of coercion, it is the part of wise men at least to await the effect of these circumstances upon the resident West India planters.

There is, however, a species of interference, ministerial at least, if not legislative, which the Government might resort to without infringing upon the independence claimed by the colonists. No governor, or other public officer of the colonies, ought to possess slave property in any part of the world whatever. The influence of the white society by which he is surrounded, would give him a sufficient bias against the slaves, without the addition of any personal interest. In the majority of the islands, he has the power to appoint the magistrates, of whom the slave-courts are composed. Of the feebleness and indecision of one governor, the Duke of Manchester, and

the odious injustice of those courts, the trials of the rebel slaves in Jamaica, give sufficient evidence\*. The liability of the colonies to aggression in times of war, may be a good reason for selecting the governors from the military class, but no blame is too severe for those who make the choice in the manner in which it is ordinarily made. A few of these officers, (the late governor of Barbadoes is an instance,) are appointed on account of peculiar merit in their profession; but we hardly remember an instance of any appointment on account of particular fitness for the office. The same complaint attaches to the appointment of the colonial judges. They are notoriously selected from the poor and unsuccessful adventurers at the English bar. They are altogether at the mercy of the colonists, for they receive their salaries from the assemblies. By suffering such persons to expose themselves to an additional source of perversion in the possession of slave-property, we take nearly every precaution for the attainment of injustice. The force of this argument was acknowledged by the Government; but it was contended that the prohibition ought not to extend to the inferior judicial officers, because it “would render the property in slaves a degradation; contrary to the resolutions unanimously assented to in 1823, which recognised that species of property, and promised it protection†.” Now, since it is admitted that the prohibition ought to extend to the leading judges, we should infer that the amount of “degradation” was so great, that it would not be worth while to take the inferior ones into the account on such a ground. Arguing, however, upon the general principle, that the prohibition is a degradation, it might be questioned whether to do justice to the slaves is not more important than to hurt the feelings of the planters; and whether it is not a greater “degradation” to the colonists to have unjust judges, than to be disqualified from acting in the judicial capacity. But the argument is altogether unsound. No man is “degraded” by a prohibition to do injustice, or to expose himself to the doing of it. If the proposition went to disqualify the colonists from being judges everywhere, in Great Britain as well as in the West Indies, there would be some truth in the objection.

\* *E.g.* Mr. Brougham, *ante*, p. 124.

\* *Ante*, p. 112.

† *Ante*, p. 83, et seq.



How the prohibition could effect slave-property, or its protection, we are entirely at a loss to understand. If the West Indians claim the exercise of injustice towards their slaves, in order to protect their property, they must not be listened to; and if Mr. Horton suppose that slave-property would sell for less in the market, by reason of the prohibition, he may depend upon being altogether in the wrong.

II. The only countries of which the laws do not forbid the traffic in slaves, are Portugal and Brazil, and with them it is confined to the coasts of Africa, south of the line. The United States, the Netherlands, Spain, France, and the new states of South America, are bound by treaty with this country to prohibit it, and have all established laws to prevent their subjects from engaging in it. How far these laws are efficient, or their execution enforced, we may judge from a few facts in the papers relative to this subject, which were laid before parliament last year.

In all the British slave colonies there are laws enforcing, under penalties, the registration of the slaves of every estate, in every house, and in every gang, in short, throughout every settlement; and by a late act of parliament, trading in slaves, even a single act of buying a slave as a dealer, is punishable with death. With the single exception of Demerara, the colonies into which their importation is prohibited, are overstocked with slaves, mostly Creoles; and cultivation, as it is alleged, has been so overdone there, as to have reduced the profits of stock to a *minimum*. If we may take these facts as criteria, whereby to estimate the strength of the motives for importing slaves into these colonies, we may also take them for the same purpose with respect to the motives of foreign slave-dealers who carry their slaves to other settlements, where, with the exception of Martinique, Guadaloupe, and Cuba, there is nearly a boundless quantity of land remaining to be cultivated.

In the United States, the temptation to import slaves from Africa is done away, by the unfortunate commerce which has sprung up between Maryland and Virginia, and the rest of the Slave states, by which the latter are amply supplied with slaves, who are bred in the former. There are, however, traces of the employment of American ships, in the foreign slave trade.

Sess. 1826.

The British Consul at Bahia, observes, that three American vessels, the *Fenelon*, *William*, and *La Fayette*, were lately chartered from Bahia to the coast of Africa\*. Mr. Zea Bermudez, the Spanish minister, has asserted that British capital is also employed in the Cuba traffic; but his assertion is peremptorily denied by Mr. Kilbee, the commissary judge of the mixed commission at Havannah†. However, on the 29th September, 1825, Commodore Bullen captured the brig *Z*, under Dutch colours, with a valuable cargo, fitted up for the slave trade, and bound from the West Indies to the African coast: by the list of shipment the cargo belonged to British subjects, resident at St. Thomas's‡.

With respect to the Netherlands, in addition to the *Z*, under Dutch colours, the *Bey*, and the *Venus*, two other vessels under the same flag, have been condemned at Sierra Leone within the last year.

The parliamentary documents shew that there were last year forty-nine Spanish vessels engaged in the traffic, and that in 1824, 16,000 slaves were put ashore at the Havannah, by forty-four traders, partly Spanish, and partly French, and that, in the first month of 1825, twenty traders, fifteen Spanish, and five French, arrived at Cuba with 5766 slaves: the trade continued during the whole year, and in December eight traders landed 2300 slaves§. Fifty-five French vessels appear from the same authority to be engaged in the trade||.

In 1824, 3137 slaves were imported into Bahia; 1571 during the first six months of 1825; and 25,769 were imported into Rio Janeiro during the whole of the latter year. The list of the importations into Maranhão, the other great mart, is wanting¶. By the account of Mr. Vice-Consul Follett, at Bahia, it appears, "that the *majority* of the slaves "are systematically brought from those "parts prohibited by treaty" (the north of the line)\*\*.

The new American States have some of them abolished, not only the trade, but

\* See Parl. Papers on Slave Trade, (Class B.) p. 70.

† Ditto, p. 133.

‡ Ditto, (Class A. p. 61.)

§ Class A. and B. *passim*.

|| Class A. and B. *do*.

¶ Class B. pp. 83, 84.

\*\* Class B. p. 25.



slavery itself. Guatemala was the last in taking the latter step\*, and it is proper to state, in order to prevent wrong inferences from being drawn, with respect to sudden emancipation, that the whole number of slaves in that state was only 500. We might load our pages with accounts of the horrible cruelties committed in this odious traffic, from a desire of taking in great cargoes, and from the precautions necessarily resorted to against the British, American, and French cruisers. We might also shew what manœuvres—what variety of flags, false papers, logs and charters, the traders make use of to deceive the officers who search them. But the same sort of accounts have been so repeatedly before the public, that nothing new would be conveyed to the reader by extracting the atrocious stories contained in the papers of last year.

We firmly believe that nothing effectual can be done towards suppressing the trade, until it is universally declared piracy, and the English vessels allowed to carry the traders to some of the African settlements, St. Helena, or the West Indies, to be tried and hanged. It appears distinctly from the parliamentary papers, that the Governments of Spain, France, Portugal, and Brazil, make no efforts whatever to enforce the laws for putting down the traffic, and that the authorities in Cuba and Brazil not only neglect to execute the laws, but in some cases, the individuals are engaged in it themselves. Treaties and laws where such parties and such interests are concerned, are mere waste paper. Whatever may be the established regulations, none will be effectual until their execution be confided to better hands.

The Committee on the Mauritius Slave-trade, report, that they have only found it practicable to commence their investigation†. They have laid considerable bodies of evidence before the House already, but we must wait for the close of the inquiry before we enter upon the subject.

III. Mr. Hume observed with reference to the settlement at Sierra Leone, that "the best thing to do with it, would be to get rid of it as fast as possible ‡."

\* Twentieth Report of African Institution, App. G. p. 172.

† Slave Trade Papers, 1826. No. 430

‡ *Ante*, p. 130.

Mr. Hume looks mainly at the expense; but other points remain to be considered, before his suggestion can be assented to.

The settlement was projected in 1787, by some of those who first proposed the abolition of the slave trade; but owing to the want of proper care in selecting the settlers, the establishment suffered so severely from insubordination, the hostility of the neighbouring tribes of Negroes, and the mortality which forms so unvarying a feature of the place, that it was nearly destroyed. In 1791, a company of private adventurers and abolitionists, including many persons of note, attempted to re-establish the settlement: from that time it took firmer root, and attracted considerable attention. The capital of the company was 250,000*l.* in addition to which, 100,000*l.* were afterwards raised, and large sums were annually granted by the Government for the maintenance of the civil and military establishments. But the company shared the fate of most other joint-stock undertakings; its objects were ill calculated, or its means mismanaged—in short, in the year 1807, it was brought to the verge of ruin. In 1807, this country abolished the slave trade. The promoters of that measure could not throw the slaves to be captured in the middle passage into the sea, nor send them back to the district whence they came, to be re-shipped in the next slave vessel—they had projects, we fear, not very materially weighed, for extending civilization, and they were in power at a time when the expenditure of the public monies was never scrutinized. They did not hesitate to accept an offer from the company of the Sierra Leone settlement. From that time the settlement has remained an English colony, and has been sustained at a great expense to the British public.

The chief object of the projectors of this settlement was the destruction of the slave trade; which, it was believed, would decline under the influence and example of the colony. The other objects were the introduction of Christianity and the arts of Europe into Africa, the encouragement of cultivation by free labour, and the establishment of a school for teaching letters and the agricultural arts.

We purpose, before deciding on propriety of Mr. Hume's proposal,

\* First Report of African Institution.



see objects in themselves; the which they have been, and are, accomplished; and the loss already incurred. tlement, we believe, is about miles long by twenty broad; er than Middlesex. Its popu- resent, and we are not aware ever much larger, consists of : settlers, a few white troops, alattoes, and about 16,000 consisting of slaves captured aders, maroons from Jamaica, n Nova Scotia, and soldiers from the West India regi- y a colony of this kind, facili- s thought, would be afforded g, exhorting, and influencing ealing nations of the interior, their traffic in slaves. By the g nations are meant the na- dle Africa, consisting of we how many millions, and dwel- of them, at unknown distances. n trade, however, beyond that was entirely confined to the a little timber, gold-dust, and not beads and trinkets: but as either possessed these, nor any le in sufficient quantity for their could have got rid of them if they legitimate commerce was not upplant the slave trade. t also have been doubted, how mple of a few thousand negroes, twenty different tongues, and tly, not likely to carry on very amunications with the interior, er have been followed or un- or even if it could have rstood, how far it would have wed, seeing that the black set- almost entirely supported by nds, and their capital provided ile the nations to be reclaimed ch advantage. With respect to ning objects of the settlement, yment of free black labourers nple to the West India planters, instruction of the surrounding ough has been said already. at are the actual results of the one project? It is a notorious notwithstanding the abolition of trade by England, the Nether- : United States, and all the new America, except Brazil, that ic is carried on to an extent led at any former period.

"On the whole," says the twentieth Report of the African Institution (which strenuously supports the settlement), "it appears that the slave trade *has increased during the last year*; and that, notwithstanding the number of prizes taken, it continues to rage with unabated fury; and that the coast, with the exception of the British settlements and their immediate neighbour- hoods, is in a worse condition than it has been for years past; that the Spaniards and Brazilians carry their profligacy as far as ever; whilst the French have become the slave-car- riers of the Antilles."

It is equally notorious that, owing to the employment of the means adopted for the prevention of the slave trade, (means, to which this colony is subservient,) the sufferings of the slaves in the middle pas- sage are, if possible, even greater now, than they were before the abolition, at the establishment of the colony. The influ- ence of example, therefore, is wholly lost upon the slave-trading tribes.

The next question is, the introduction of the arts of Europe, and the promotion of the agriculture.—First, as to cultivation. It is primarily important to prove that the free negro will bestow for hire the same labour as the planter extorts from the slave; that is to say, that he will cultivate sugar and other West India produce. The ex- ports of this colony consist of the follow- ing articles

African teak timber.  
Camwood.  
Palm oil.  
Elephants' teeth and scrivelloes.  
Gold dust.  
Rice.  
Bees' wax.  
Gum copal.  
African fruit.  
Arrow root.  
Guinea pepper.  
Shingles.  
Mats.  
Guinea corn.  
Malagetta pepper.

Of these articles only *one* is produced in the West Indies; and that in limited quantities. In 1826, the following articles of West India produce were imported into the colony, viz.:—

|               |         |      |      |
|---------------|---------|------|------|
|               | ewts.   | qrs. | lbs. |
| Sugar . . . . | 3013    | 2    | 13   |
|               | galls.  |      |      |
| Rum . . . .   | 130,000 |      |      |

But the produce of the settlement is not only altogether different from that of the West Indies, and, by consequence,



affords little analogy with respect to slave labour *there*; it is, moreover, chiefly of such a kind as to require hardly any labour whatever. It appears that even this little labour is not performed by the settlers.

"From the fertile and well-cultivated district of Formare, the indolent inhabitants of Sierra Leone," says Major Laing, "are principally supplied with *rice and other provisions*; and it is they who undertake the laborious and fatiguing work of cutting, squaring, and floating to the trading stations, the immense bodies of heavy *teak timber*, exported from Sierra Leone, and, in like manner, the natives on the banks of the Upper Kooranko cut and float down that river and the Robelle, the *camwood* exported from Free Town\*."

In the returns made to the House of Commons of the list of exports cited above it, is stated that

"No portion scarcely of these exports is the produce of Sierra Leone, to the exception of the shingles cut in the liberated African villages, unless the *timber* which is grown in the country of the natives, upon the banks of the river, is so considered†."

The late Governor-General Turner, in a despatch dated 25th Jan. 1826, says, that

"Under the arrangements hitherto prevailing, they (the negroes) have been distributed amongst the villages, where they have been for years supported in idleness by the Government; but the villages and the poor land in the mountains where they are situated, already begin to refuse them a scanty subsistence, and they have begun to wander in search of better soil and easier subsistence. The evident tendency of this is, that they will retrograde in the woods into a state of nature and barbarism, or become vagrants about Free Town, and the more populous villages. In cases where they have been located in the villages, and received gratuitous maintenance, they can with difficulty be induced to give a day's labour even for good wages. It would but lead to disappointment to imagine that a large mass of poor ignorant people, without capital, skill, or industry, could be brought to maintain themselves, and to raise articles of export, without the assistance of labour."

Can it be supposed that this colony has made any progress in civilizing any part of Africa? Or can it be fairly set up as an example to the West India planter?

With respect to its religious influence: Looking at the parliamentary papers, we find that there are from two to three

thousand persons receiving education; nearly six thousand persons, "usually," frequenting the chapels and churches, which are twenty-three in number, with twenty-one pastors, of different descriptions. In spite of what has been already said of the industry of the settlers, this account would portend a considerable degree of improvement. Let us see, then, in what view the actual state of religion is regarded by eye-witnesses. Mr. Rabau, a missionary from the Church Missionary Society, states, that

"It must be a matter of lamentation to all who know the value of a place of public worship, that a suitable place has not been prepared for this purpose. At some of the stations a degree of indifference to the public means of grace, which was manifested for a time, could not be observed without pain. The instances of decided piety, which have been brought to light during this period, are comparatively few; those who publicly and solemnly profess themselves the disciples of Christ, are but few compared with the mass of the people. At Kissey town, a considerable portion of them live as without God in the world\*."

From such a state of things we should not be led to expect very warm efforts to spread religion amongst the surrounding tribes. According to Major Laing not a single missionary is to be found beyond the precincts of the colony; and even within the peninsula itself, on which Free-town is built, are several native villages, in a deplorable state of barbarism, which have never heard the voice of a missionary. At Toma, only 45 miles from Free-town, Major Laing was the first white man ever seen, and as he advanced into the Timanee country, which almost borders on the gardens of Free-town, he could not avoid expressing great surprise on observing how little it had gained from its vicinity to Sierra Leone. At Yeba, situated in the western part of the Timanee country, the people appeared to be hardly a remove from the brute creation, and even called forth the pity of Major Laing's (negro) companions†.

Remains the question of expense and loss.—With respect to the expense, we must premise that a vast portion of it is not stated, being so mixed up with general estimates and disbursements, as to be entirely unascertainable. From the following items we may judge of the whole extent.

\* Travels, pp. 76, 77.

† Sierra Leone papers, 1825, No. 520.

\* Missionary Report for May, 1826.

† Travels, pp. 388-9, 397-8.



FOREIGN DEPENDENCIES.—*Sierra Leone.*

627

|                                                                                       | £       | s. | d. |
|---------------------------------------------------------------------------------------|---------|----|----|
| Second advance of Capital, repaid to the Sierra Leone Company by the Government ..... | 100,000 | 0  | 0  |
| Claimed by the Company for buildings, &c. ....                                        | 35,432  | 0  | 0  |
| Removing Maroons from Nova Scotia.—Com. Journal, 57, p. 991 .....                     | 5,903   | 19 | 8  |
| West Indian Soldiers in 1793. .... 66, p. 659 .....                                   | 15,643  | 4  | 6  |
| Paid to the Company for settling Maroons. ....                                        | 18,000  | 0  | 0  |
| Grant to Governor Macarthy in 1814 .....                                              | 29,630  | 0  | 0  |
| 1820 .....                                                                            | 18,913  | 7  | 8½ |
| 1821 .....                                                                            | 31,619  | 16 | 0  |
| 1822 .....                                                                            | 2,594   | 9  | 1½ |
| 1823 .....                                                                            | 35,250  | 7  | 9½ |
| 1824 .....                                                                            | 40,907  | 4  | 9½ |
| 1825 .....                                                                            | 31,065  | 0  | 0  |
| Miscellaneous estimates, 1825 .....                                                   | 45,000  | 0  | 0  |
| 1826 .....                                                                            | 35,000  | 0  | 0  |
| Supplies sent, estimates 1825 .....                                                   | 10,000  | 0  | 0  |
| 1826 .....                                                                            | 12,000  | 0  | 0  |
| Average annual pension to disbanded blacks .....                                      | 9,500   | 0  | 0  |

The above are only a portion of the miscellaneous, annual, and other expenses. The following are of a more regular kind, and will convey an idea of the annual charge.

## MILITARY ESTABLISHMENT.—ORDNANCE ESTIMATES.

|                                         |        |    |    |
|-----------------------------------------|--------|----|----|
| 1821. Parliamentary Paper, No. 42 ..... | 6,337  | 14 | 3  |
| 1822. .... 28 .....                     | 3,794  | 17 | 6  |
| 1823. .... 69 .....                     | 2,757  | 7  | 6  |
| 1825. .... 61 .....                     | 11,050 | 16 | 10 |
| 1826. .... — .....                      | 31,852 | 0  | 0  |

## COMMISSARIAT.

|                                         |       |    |   |
|-----------------------------------------|-------|----|---|
| 1821. Parliamentary Paper, No. 47 ..... | 1,528 | 0  | 0 |
| 1823. .... 18 .....                     | 1,660 | 15 | 0 |
| 1824. .... 10 .....                     | 1,665 | 6  | 0 |
| 1825. .... 23 .....                     | 2,609 | 1  | 3 |
| 1826. .... — .....                      | 2,751 | 1  | 0 |

## ARMY EXTRAORDINARIES.

|                                         |         |    |    |
|-----------------------------------------|---------|----|----|
| 1821. Parliamentary Paper, No. 73 ..... | 67,130  | 0  | 9½ |
| 1822. .... 125 .....                    | 94,291  | 10 | 7  |
| 1823. .... 59 .....                     | 39,294  | 13 | 9  |
| 1824. .... 61 .....                     | 60,699  | 13 | 0  |
| 1826. .... — .....                      | 105,047 | 0  | 0  |

The settlement on the Gold Coast, now attached to the Sierra Leone establishment, costs as under:—

|                                                          |        |    |    |
|----------------------------------------------------------|--------|----|----|
| 1822. Commissariat .....                                 | 8,641  | 18 | 1½ |
| 1823. Ditto .....                                        | 45,155 | 2  | 10 |
| 1824. Army Extraordinaries and Civil Establishment ..... | 72,354 | 6  | 1  |
| Commissariat .....                                       | 49,642 | 15 | 4½ |
| 1826. Army Estimates and Civil Establishment .....       | 63,672 | 0  | 0  |

## PUBLIC BUILDINGS.

|                                                                            |        |    |     |
|----------------------------------------------------------------------------|--------|----|-----|
| Sums drawn by Gov. Macarthy, from 1st Dec. 1821, to 16th April, 1824 ..... | 26,701 | 12 | 11½ |
| Annual Average .....                                                       | 11,459 | 0  | 0   |

This, we must repeat, is only a portion of the expence of this settlement; and to balance it, the Government receives import duties, amounting, in 1823, to 8,730l. 8s.!

Of the horrible mortality amongst the whites, no accurate account is within reach, but we have understood that, in the short space of eighteen months ending June 1826, twenty-five officers, five or six of the medical department, and nearly all the privates, were cut off by the climate, which appears to be the very worst that has yet been experienced on the globe.

Does the future hold out any prospect of a better state of things?—The colony has been tried during nearly forty years; no means have been spared to secure the accomplishment of the objects for which it was formed; the result has been an entire failure in every particular, accompanied with great waste of money, and loss of lives. The late excellent Governor, General Turner, set out with a strong belief that he could change the condition of affairs, and it has been stated that one of the chief causes of his death arose from disappointment. But even if it could be



shewn that there was a probability of future success, nothing but a measure of it, far beyond what the most extravagant expectations can now anticipate, would repay us for such an expenditure.

This subject may be resumed when we receive the Report of the Commissioners at present deputed to inquire into the condition of the colony.

#### FINANCE AND TRADE.

##### *The Budget, &c.*

THE measures brought forward in the last session, relating to Finance, were so limited, and the discussions so meagre, that little more seems necessary, under this head, than to "note the deficiency." We shall detain the reader but for a moment on one or two detached points in the debates.

The principal modification in the revenue, was the reduction of the duty on tobacco. The peculiar evils of this tax, *which are denied by none*, were pointed out in our volume of last year. The extreme disproportion of the duty to the value of the commodity; the severity with which it presses upon the lowest classes of society, to whom tobacco is almost a necessary, while to the higher it is scarcely a luxury; the facilities and encouragement which so high a duty holds out to illicit trading, concur in rendering the duty on this article one of the most objectionable

imposts in the commercial code. The reduction of 25 per cent. which has already taken place, is entirely the work of accident; and it is highly satisfactory to find that this change has been followed by a diminution of only 80,236l. 18s. 7½d\*, in a gross revenue of 3,390,606l. 19s. 8½d. The change, however, such as it is, has still left the duty on tobacco open to most of the objections above mentioned. So great is the variation in the different qualities of raw tobacco, that the usual untaxed price of some scarcely ever exceeds nine pence per lb. whilst that of others never sinks below as many shillings; so that the reduced indiscriminating duty of 3s. per lb. inflicts a burden of 400 per cent. on the needy consumers of *cheap* tobacco, and of 33 per cent. on the wealthier purchasers of *dear*—a burden on those who consume it as a necessary, *twelve* times heavier than on those who buy it as a luxury—400 per cent. for use; 33 per cent. for pleasure. The advantages afforded to the smuggler by so heavy a tax, have been much abated, (as Mr. Robinson conceives,) in consequence of this reduction from 4s. to 3s. per lb., and that more particularly in Ireland, where this illicit traffic has hitherto been least easily repressed. It is difficult, if not impossible, to ascertain the diminution of smuggling, otherwise than from the increased consumption of the goods of the legal trader. If this test be applied in the present instance, we shall find that the difference is not sufficiently great to warrant Mr. Robinson's conclusion. The statement published by the House of Commons, is as follows:—

|                | Jan. 5, 1825. | Jan. 5, 1826. | Increase.  | Rate of increase about |
|----------------|---------------|---------------|------------|------------------------|
| England.....   | 11,584,059    | 12,700,784½   | 1,116,725½ | one-tenth.             |
| Scotland ..... | 1,596,276     | 1,900,412     | 405,136    | one-quarter.           |
| Ireland .....  | 3,749,732     | 4,160,049     | 410,317    | one-twelfth.           |
|                | 16,929,067    | 18,761,245½   | 1,832,178½ | one-ninth.             |

Hence it appears that the increase in Scotland, where the illicit traffic is least extensive, exceeds the increase in Ireland, where it is admitted to be most prevalent, in a proportion exceeding 3 to 1. It would, in truth, be idle to imagine that a material difference would occur in the illicit trade, by any reduction which should leave the existing duties at 400 or

500 per cent. If any diminution have occurred in the quantity of smuggled tobacco, it must have been in those qualities in which the duty does not exceed 40 or 33 per cent. We doubt much whether the diminution of the tax on the inferior qualities will have affected, even in the

\* Parl. Paper—(Commons).—No. 197. 1826.



slightest degree, the price of the smuggled tobacco. The price of smuggled goods is regulated by the same competition which determines the prices of the fair trader: the goods of the smuggler are sold the lowest possible price, which will afford the smuggling profit. Now we know that many commodities, of which the illicit importation is both more dangerous and difficult than that of tobacco, are the objects of extensive smuggling, although charged with duties not exceeding 30 or 40 per cent.: but if 30 or 40 per cent. be sufficient to call the smuggler into the market, with what probability shall we look for a decrease in smuggling from any reduction in a duty, by which its total amount is left at 400 per cent.—at six or seven times above the level of the smuggler's duty. In fact, the inconsiderable revenue obtained from tobacco, is so disproportioned to its consumption, as to afford sufficient proof that the far larger part of the market, especially in Ireland, is supplied by the smuggler. Nothing but an extensive reduction of the duty can remedy this evil. If fixed duties were imposed in proportion to the value of the article, even although the tax were left as high as it is at present on the better qualities, it is probable that the revenue might suffer but very slightly; the quality, which at present is the principal subject of the illicit trade, would be put on the same footing as that from which the present revenue must be principally derived. The legislature would then be enabled to proceed by certain steps, so as just to withdraw the commodity from the hands of the smuggler, and to make the whole consumption productive of revenue, at the same time that it would confer an important benefit upon that class of consumers upon whom all taxes fall with peculiar severity, and who feel a trifling reduction in price as a sensible advantage.

A singular dispute arose in the course of the debate, concerning the effect of the recent remission of the taxes, which we noticed last year, and one of which—the tobacco duty—we have again thought proper to allude to. The Chancellor of the Exchequer, casting up in his speech the sum of the taxes repealed since the year 1816, and finding that they amount to 27,522,000*l.* insists upon this result as a triumphant answer to Mr. Hume, who had asserted

upon a former occasion that as much *was taken out of the pockets of the people*, since the reduction of taxation, as before. It is an observation of daily occurrence that the diminution of duty upon an article has a tendency to extend its consumption, sometimes so extensively as not only not to diminish, but actually to increase the revenue. In such a case, it is idle to deny (with Mr. Robinson) that the sum taken from the pockets of the people, *in the shape of taxation upon that article*, remains unaltered: but it is equally idle (with Mr. Hume) to adduce such a fact as an imputation against the minister. Putting aside considerations of the uses to which revenue is destined, the duty of the Chancellor of the Exchequer is to raise that revenue from the people in the least burdensome way. A reduction of duty on a commodity unattended by any decrease in the revenue arising from it, accomplishes this object with admirable success, for this increased consumption must be accompanied by a diminished consumption of some other article, or it must be produced by a diminution of smuggling in the article paying the reduced duty; in both cases the benefit is obvious and important: in the first the community are not confined to the use of some particular commodities by the arbitrary decision of the legislature; and in the second, the whole consumption is made available for the purposes of the revenue, and the demoralizing effects of illicit trade prevented. In neither case is the sum taken from the pockets of the people diminished or augmented, but in the former it is more easily borne, and in the latter the gross revenue is increased. As a diminution of revenue consequent upon increased duties is a matter of serious blame against the minister, so is it matter of praise that he has selected the subjects for reduction with so much judgment as to augment the revenue with reduced duties\*.

\* Mr. Robinson's ideas are by no means constantly clear upon the subjects of his department. He observes, for instance, that the increase of certain articles in the revenue, "shew that there is that progressive power of consumption in this country, which is indispensable to her greatness, and which forms the most convincing proof of her vigour, and which has hitherto enabled her to meet and overcome difficulties the most formidable, and on which he relies for similar success in future."—(*Ante*, p. 143.) For consumption read production, and



It would be a matter of sincere satisfaction if this were the only questionable passage in Mr. Robinson's speech.

But if, in criticising this subject last year, we felt it our duty to commend the clear exposition, arrangement, and sound reasoning of Mr. Robinson's speeches; it is no less necessary on the present occasion to censure him for the absence of all these merits in the speech of last session. One passage, however, demands peculiar notice, as an answer, by anticipation, to the expected attack from Mr. Hume: the attack consisting in a complaint of the amount of taxation, and a charge against the ministers on the score of economical reform. With respect to the question of patronage, Mr. Robinson answers thus:

"When applications have been made to me on such a subject, I have felt no difficulty in saying, I am really very sorry I have nothing to give you; we have no spare offices, no spare money: we have reduced every thing to the lowest point. We cannot put any individual into a public situation, who is either too old, or too young, or too idle to do his duty. I can recommend to an office under Government, only the man who is competent to fill it properly; if you are not competent, I am very sorry for it, but you cannot come in: this is the language which I and others invariably hold on such occasions."

Had the Chancellor of the Exchequer stated, that the ministers had made every reduction in the way of supernumerary and over-paid places, which was consistent with their retaining office—every reduction which those who govern them, and the nation, would permit: that to have proceeded further, would have deprived the country of at least a well-intentioned ministry, without accomplishing the object in view: the statement would have been honest, and the defence complete. What they are, in their present shape, it is unnecessary to describe. No spare officers—no spare money—every thing reduced to the lowest point—merit the only recommendation to office, and influence of connexion rendered useless:—Such is the state of purification which co-exists with a civil expenditure of twenty millions—with

the passage is both intelligible and (partly) true. Power of consumption, forsooth! Why every beggar in the kingdom has a power, and a wish to consume as great as that of majesty itself. Were their power of production equal to their power of consumption, the golden age would be revived.

\* *Ante*, p. 143.

a church, an army, a navy—with every easy office in every public department, overcharged with the off-sets of aristocracy:—And such is the language which the Chancellor of the Exchequer deems expedient (for he can scarcely be in earnest as to the facts) to be holden in the House of Commons!

### Paper Currency.—Commercial Distress.

THE opening of Parliament in February, 1826, found the nation still in the throes of one of those commercial revulsions, to which all commercial countries are liable, but which, partly from the univalued magnitude of our commercial transactions, partly from vicious legislation, are more frequent and more violent in our own country than in any other.

This great calamity engaged the immediate attention of Parliament, and led to the adoption of certain legislative measures, into the expediency of which we shall now inquire. Before, however, we can be competent to pronounce upon the efficacy of the supposed remedies, we must be sure that we clearly understand the cause of the disease.

The proximate cause of the commercial crisis was speculation. It is not here intended to stigmatize all speculative transactions. Among the transactions so designated, are to be found many of the most useful operations of commerce. By speculations, we understand all mercantile transactions attended with more than ordinary risk: by rash speculation, those in which the risk is great, and the prospect of gain not a sufficient equivalent. The years 1824 and 1825 abound in speculations of this latter description. Very rarely, at any former period, had mercantile miscalculations been carried to so great a length. A vast majority of these enterprises failed; but not until for the purpose of carrying them on many persons had come under engagements, which nothing but the success of the speculation could enable them to fulfil. The speculations proving unsuccessful, these persons became insolvent; and their ruin drew after it that of many others, who had not speculated, but who were dependent, for the means of fulfilling their engagements, on the payment of engagements by persons who had.



Speculation, then, was the cause of the revulsion. But what was the cause of the speculation? This is evidently a most important question; and it is one which we shall find the means of answering without much difficulty. The cause of the late speculations, as of most former speculations, was anticipated deficiency in supply.

This solution will appear strange to those who imagine that the events of last year were something peculiar and unprecedented—something so entirely novel that they could not have arisen but from causes which had never been experienced before. This is an opinion, however, which can be entertained by no one who is even moderately conversant with our commercial history. Not to look back to the calamitous periods of 1784 and 1793; the present is the fourth commercial revulsion of the same kind, which has happened within the last sixteen years alone. The first took place in 1810 and 1811; the second in 1814 and 1815. Both were preceded by an immense increase of speculation. The same phenomena occurred, though to a less terrific extent in 1819\*.

There was, it is true, the appearance of more speculation at the recent period, than at any of those above cited; because there were more *projects*: and the projects, or bubbles, as they were called, although they in reality bore a very small proportion to the totality of the speculations, were almost the only part of them which the more mercantile portion of the public saw, or dreamed of. But we ascribe little agency to these projects, comparatively speaking, in producing the distress. The speculations in shares extended only to a small portion of the mercantile community. Moreover, the projects which were really bubbles, that is, which were fraudulent, and were never intended to be prosecuted, mostly burst while the amount of the instalments which had been paid was as yet moderate; generally, we believe, not exceeding 1*l.* or 2*l.* per share. Of the *bonâ fide* projects, a great proportion still continue to be carried on; and may yet turn out, some of them undoubtedly will turn out, advantageous

investments of capital. During the general infatuation, exorbitant premiums, it is true, were given for shares in the more promising of these undertakings; and to those who purchased when shares were at the highest, the profits of the enterprise will never yield any thing like an adequate remuneration. It could, however, be no secret to the most sanguine projector, that the returns, even to the most successful of these schemes, must be distant. With this knowledge, it is extremely improbable that the honest purchaser should have invested a larger sum in shares, than he could afford, at least, to wait a considerable time for the repayment of. And as for those who bought shares at a price which they knew that no rational calculation would warrant, in the hope of finding dupes, or knaves of their own stamp, to purchase them again at a further advance, we cannot say we greatly regret that their plans should have been thwarted, though it be at the expense of some loss and some inconvenience to themselves.

The speculations, by the failure of which so large a portion of the mercantile community has been brought to the brink of ruin, and so many actually ruined, were of a different kind. Their character was, not the investment of capital in new enterprises, but an enormous and improvident extension of dealings in many of the established lines of business. The proper name for these speculations is *over-trading*. The phenomena of over-trading are so little understood out of the mercantile circles, that a short exposition of them will be read with interest; and without it, we fear that much of our subsequent reasoning would scarcely be intelligible.

It is well known that there are dealers who are constantly upon the watch for every symptom either of an actual or a prospective increase of demand, or deficiency, in the supply of any article of general consumption. The moment any such symptom is perceived, these dealers come into the market and purchase, in order to profit by the rise of price which will take place when the deficiency, or the increase, of demand becomes known. Their purchases produce an immediate rise. The articles hence appear to be *looking up*: expectation is excited that they will rise still higher; and additional speculative purchases are made upon this prospect. In

\* The reader who desires to possess fuller information concerning the events of these remarkable periods, will find many valuable details in Part I. of Mr. Tooke's able and important work on High and Low Prices.

Sess. 1826.



this manner, the prices of the articles which are the subjects of speculation, undergo a progressive rise; which will be greater or less, according to the strength of the impulse which has been given to the spirit of speculation. If the expected increase of demand, or deficiency of supply, be moderate, and not calculated to inspire great hopes of immense or rapid gains, the rise of price is probably not more than sufficient to call forth the required addition to the supply, and to produce, in the meantime, the necessary limitation of consumption. In this case, no loss is sustained, and the effects of the speculation are purely beneficial. But if the expected increase of demand, or deficiency of supply, be so considerable, as to produce anticipations of a great and rapid rise of price; and if these anticipations extend to several articles of general consumption at once; they give rise to what is frequently, though erroneously, called *general over-trading*. The few who watch prospectively the signs of future supply and demand, anticipating a great rise of price, make considerable purchases. These purchases produce a considerable immediate rise; and this in its turn tempts the many, who look no further than to the immediate turn of the market, to purchase in expectation of a still greater advance. These speculative purchases produce the very effect, in anticipation of which they were made. A progressive and rapid rise takes place; the holders of all the articles to which the speculation extends, appear to be making fortunes; and a general rush of capital takes place into those employments. Increased speculative purchases raise the price far beyond what the prospect of deficiency, or of increased demand, will justify. Immense orders are sent abroad, if the articles belong to the class of imported commodities; thus raising their price in the foreign market: if they be articles produced at home, equally extensive orders are given to our own manufacturers. Every one calculating upon being before-hand with all his competitors, provides himself with as large a stock as he thinks that the market will take off; not reflecting that others, equally with himself, are engaged in adding to the supply, nor calculating upon the fall of price which must take place as soon as this increased quantity is brought to market. The deficiency

is soon changed into an excess. The first who come into the market realize at the high prices, and make, or appear to make, enormous gains. An additional stimulus is thus given to the frenzy, and prices at length rise to such a height as to induce a considerable number of the holders to think of realizing. Then commences the fall of prices. This operates as a signal to all the other holders to hurry their stocks to market, in order to secure what they can before the price relapses to its original level. The recoil is hence almost instantaneous. Not only do prices fall to the level from which they rose, but, from the increased quantity which has been imported or produced, they fall lower; commonly much lower. Of those who have bought largely at the high prices, a great proportion are ruined. Those who have contracted to take large additional quantities from the manufacturers, are unable to perform their contract; and the stocks remain in the warehouses of the producers, many of whom become unable to fulfil their engagements, or obtain the means of fulfilling them by forced sales, at an enormous loss. The failure of a few great commercial houses occasions the ruin of many of their numerous creditors. A general alarm ensues, and an entire stop is put for the time to all dealings upon credit: many persons are thus deprived of their usual accommodation, and are unable to continue their business. It is unnecessary to multiply details.

Such is the *rationale* of a period of over-trading. Every merchant, who remembers the commercial revulsions of 1810-11, and 1815-16, will testify that such are the events which always follow the opening of new markets, the expectation of deficient supplies, every thing, in short, which excites a confident hope of rapid gains. The additional supplies necessary are enormously over-estimated, enormous over-production and over-trading take place, the market is glutted, the holders suffer immense losses, many of them become insolvent, and their ruin draws along with it the ruin of many among the many others, who have given them credit, confiding in the enormous wealth which they appeared to have the power of realizing during the continuance of those high prices of which their own purchases were in a great measure the cause.



The speculation and over-trading of the years 1824 and 1825, had their origin in a state of circumstances precisely similar. They are thus explained by Mr. Tooke, in his work intitled "Considerations on the State of the Currency:"

"The close of each year is the period at which, by annual custom, the stocks of goods on hand, and the prospects of supply and consumption for the coming season, are stated and re-examined upon by merchants and brokers, in circular letters addressed to their correspondents and employers. By these circulars it appeared, that of some important articles the stock on hand fell short of that at the close of the preceding year. From this the conclusion was more or less plausibly deduced, that the rate of the annual consumption of these articles was outrunning the rate of the annual supply, and that an advance in price ought to take place; at the same time there were, as in the case of cotton and silk, confident reports of failure of crops, or other causes, which would inevitably diminish the forthcoming supply. Expectation of scarcity was thus combined with actual deficiency in exciting the spirit of speculation. . . . The impulse to a rise having been given, and each succeeding purchaser having realized, or appearing to have the power of realizing, a profit, a fresh inducement appeared at every step of the advance, to bring forward new buyers. These were no longer such only as were conversant with the market; many persons were induced to go out of their own line, and to embark their funds or stretch their credit, with a view to engage in what was represented to them by the brokers as a certain means of realizing a great and immediate gain. Cotton exhibited the most extraordinary instance of speculation carried beyond all reasonable bounds. Silk, wool, and some other articles, in which some advance was justified by the relative state of the supply and demand, became the subject of a speculative anticipation, and advanced much beyond the occasion."

It is evident, that what is lost to one person, in these fluctuations, is gained by another. In the view of national wealth, therefore, except to the extent of that portion of the gain which falls to the share of foreigners, together with the loss of interest on the capital which lies unemployed during the stagnation, the evil of such vicissitudes is small. In the view of national happiness, it is undoubtedly great; and the legislature, therefore, would be highly culpable in not applying a remedy, if a remedy were within the reach of legislation. But the cause of the evil is one which legislation cannot reach—the universal propensity of mankind to over-estimate the chances in their own favour. While this propensity subsists, every event which stimulates hopes, will

give rise to extensive miscalculation; and every miscalculation upon a sufficiently extensive scale, will terminate in the ruin of multitudes. All that we are entitled to hope is, that as the world grows older it may grow wiser; that the time may come, when, in addition to reading, writing, and arithmetic, it may be thought not unnecessary for a young man who enters into a merchant's counting-house, to possess some knowledge of the circumstances which regulate the prices of commodities; that when improved education shall have been followed by improved mental habits, and when the liberation of trade from the restraints under which it now labours, and which so greatly aggravate all fluctuations, shall have given sober calculation a solid ground to rest upon, sober calculation may gradually take the place of gambling; that traders may one day acquire sufficient prudence to abstain from risking their own property in rash speculations, and sufficient probity to abstain from risking in any speculations the property of others.

His Majesty's Ministers saw the subject in another light. The root of the evil, in their opinion, lay much nearer the surface. According to them, the over-trading, and the revulsion which succeeded it, were either produced, or greatly heightened, by the system of our currency. Two laws were accordingly passed, by means of which, changes of considerable importance were made in the system of our currency. By the one, it was enacted, that no promissory notes, under the value of five pounds, should circulate beyond the 5th of April, 1829. By the other, the exclusive privileges of the Bank of England were so far curtailed, as to permit the establishment, at a distance not exceeding 65 miles from London, of banking associations with an unlimited number of partners.

The observation which first suggests itself, on the subject of these specimens of legislation, is, that they were enacted in a hurry. Legislation, like most other kinds of business, when it is performed in a hurry, is not very likely to be performed well. When, indeed, an enactment does no more than carry into practice, principles, either obvious in themselves, or universally admitted by all well-informed persons who have directed their attention to the subject; provided, also, that the applicability or



inapplicability of those principles to existing circumstances, depends upon facts, all of which are so obvious and familiar, as to be in no danger of being either mistaken or misinterpreted; it may then be safe to legislate, even in a hurry: And we do not deny that there may be dangers so imminent, as to justify the adoption even of an uncertain remedy, provided it be an immediate one. But no such danger existed in the present case. Nor was the purpose of this hasty legislation the mitigation of immediate suffering; which might have been some excuse for precipitation. It was never contended that the proposed measures had any tendency to alleviate the existing distress. It was even admitted, that the small-note measure was calculated to aggravate the distress, by discrediting an important part of the circulation; by which means the currency was further contracted, and additional force given to that recoil of prices, which was the immediate cause of the distress. As little could it be said that the suppression of the small notes was a measure borne out by received principles. Its proposers themselves never asserted, that the received principles were in its favour. They fully admitted that it was repugnant to received principles; but maintained that those principles, however plausible in theory, had been disproved by recent experience. With these representations before it, Parliament knew so little, or cared so little about received principles, that it was quite contented to set them aside on mere hearsay; being perfectly satisfied with the *word* experience, without giving itself any concern about the *thing*, or taking even so much trouble as would have been necessary to ascertain whether the supposed facts, on the ground of which it was thus called upon to renounce its strongest convictions, were really facts, or suppositions of the most unwarranted kind.

First appearances, indeed, had been sufficiently in favour of the ministerial theory, to enlist in support of it a large proportion of the public of all ranks, and of the public press. Long before the meeting of Parliament, a loud cry had been raised for the suppression of the small notes. Those who raised this cry, had seen, of the circumstances of the case, just so much as they could not

help seeing, namely, the failure of banks, and the distress of many poor persons, who held the notes, especially the small notes, of those banks. To have seen thus much, required nothing but eyes; to see any thing further, required eyes, and a mind, capable of directing those eyes. All, therefore, who possessed the former, but were destitute of the latter, unanimously agreed, that the small notes ought to be suppressed. Uncultivated minds, minds unaccustomed to dwell upon any ideas beyond those of the immediate objects of sense, always jump at once from the good or evil which they see or feel, to the physical substance, the visible or tangible object, which sight or touch exhibits to them in the character of an instrument. In this point of view, there is no denying that the small notes were the cause of whatever losses were sustained by the holders of those notes; for certain it is, that, had there been no small notes, no person could have lost any thing by holding them. But we submit, that whatever was thus lost, was lost not by any pestilential quality in the piece of paper itself, but simply by the *insolvency* of the issuers. If, therefore, it be practicable to take perfect securities, that no person shall issue notes who does not possess property more than sufficient to meet their amount; it does appear, that the very possibility of loss to the holders of the notes would be completely obviated. That it is practicable to provide such securities, we have never yet found any person to deny; and something, though by no means enough, was done by one of the ministerial measures, towards providing them. Those members, who introduced into the discussion on the small notes, pathetic descriptions of the misery occasioned by the failure of a country bank, might have reflected that the debate on the Bank Charter Act was the occasion on which such descriptions would have been in place.

We do not accuse ministers of having acted upon views so superficial as those which, we are persuaded, alone influenced the ignorant part of the public in the cry which it raised against the small notes. Ministers were well aware that the question turned upon far other considerations than these. But although they confessed that they were abandoning the established principles, they do



not seem to have reflected, that to justify the abandonment of established principles, the most perfect knowledge that was attainable was not more than enough. After ascertaining the few facts which could be got at by merely ordering a parliamentary return, they took every other fact for granted, which the establishment of their theory required.

Take, for example, the supposed fact, to which so much importance was attached; that the currency had been increased for some time previous to the commencement of any efflux of gold. No fact ever admitted more easily of being proved or disproved before a committee; but ministers had reasoned themselves, or rather had been persuaded by others, into a belief that it *must* have been so; and, this settled, it was not considered needful, though it were only for the purpose of silencing adversaries, to ascertain whether or not, in point of fact, it *had* been so. Take next the assumption, that the small notes had operated greatly to facilitate the speculation and over-trading of 1824 and 1825. Against this supposition no less than five counter-suppositions might be suggested; not one of which was met, or *could* be met satisfactorily, without that inquiry into the facts, which it was not thought necessary to institute. The banks which issued small notes may not have facilitated speculation at all. Or they may have facilitated it by their large notes, and not by their small ones. Or they may have facilitated it by their small notes, but, if the small notes were suppressed, they might have it in their power to continue facilitating it by their large ones. Or they might have power to facilitate it by means of some substitute for notes, and without the assistance of notes, large or small. Or, lastly, they may have facilitated it by their small notes, and may not have power to facilitate it by any other means; but the utmost facility which they may be able to afford to it may not be so considerable, as to outweigh the counterbalancing advantages of a small note circulation.

Had Parliament exerted all the means which it possessed of ascertaining every fact material to the case, the discordance of the facts with the theory would probably have rendered any other mode of combating it superfluous. These means, however, were not exerted; and we must now proceed to examine into

the validity of the theory, by a method more laborious in the process, though equally certain in the result; by reasoning from the nature and properties of currency and trade. We are persuaded, that even by this means, we shall be able to disprove the theory in every one of its essential parts, and by arguments so cogent, that the non-production of so many facts will only injure the simplicity, without detracting from the conclusiveness, of our reasoning.

We shall begin by exhibiting, in one view, the whole of the case which was attempted to be made out against the small notes. It will be seen that the principal arguments were, in substance, arguments, not against a small-note currency in particular, but against a paper currency of any description. The advantage which, it was stated, would result from the suppression of the small notes, was, that there would be less paper, and more gold: and all which was said against the small notes resolved itself into this, that paper money was bad, but that the worst sort of paper money was the small paper.

The following, then, were the objections to a paper currency.

1. That even in non-speculative periods, a paper currency, although convertible into specie, by law, at the option of the holder, is yet liable to *over-issue*.

2. That in speculative periods there is always an over-issue, which, by producing a general tendency of prices upwards, heightens and prolongs the spirit of *speculation*: That, when at length the revulsion arrives, the destruction of the extra paper which has been called into existence by the speculation, renders the recoil of prices more violent, and for this reason more destructive: And that these circumstances have actually taken place during the last three years.

3. That when the paper currency is suddenly increased, (at least if it be a paper currency issued, as ours is, chiefly through the medium of loans), a fall takes place in the *rate of interest*, which, by diminishing the incomes of the owners of small capitals, induces them to engage in hazardous speculations: and that this also actually happened during the last three years.

We shall now proceed to examine the evidence of these three propositions, one by one.



1. *Over-Issue*.—The first proposition is, That even in non-speculative periods, a paper currency, although convertible into specie at the option of the holder, is yet liable to over-issue.

The whole force of this argument lies in the word *over-issue*. Over-issue, however, is a thing oftener talked of than understood. What is meant by over-issue? Unless there be some standard by which it may be judged what is over-issue, and what is fit and proper issue, it cannot be determined whether a paper currency is liable to over-issue or not.

Over-issue, is any issue whatever, which *depreciates* the currency. We are aware that we are not using the word depreciation in its strict sense. We use it as a short expression for *lowering the value* of the currency; or, what is the same thing in other words, raising general prices. We assert, then, that however extensive the issues may be, unless the value of the currency is lowered, there is no over-issue. If this be doubted, which we can scarcely believe, let the reader merely revolve in his mind what possible harm can arise (while the issuers are solvent) from any issue of paper which does *not* raise prices, or lower the value of the currency.

This being assented to, we next ask, how the value of the currency can be lowered by any issue of paper *which displaces an equal quantity of gold*? If the answer be, as it must be, *not at all*; and if it be further admitted, as it universally is, that *every* issue of paper displaces an equal quantity of gold, so long as there is an equal quantity of gold in the circulation to displace; the inference must be, that while there is an ounce of coined gold in the country, there is proof positive of the non-existence of any over-issue.

Most assuredly the speakers in Parliament did not state the case to themselves in this way. In the minds of most of them there seemed to be a disposition to regard any issue of paper whatever as an over-issue. Loud and incessant were the complaints, that one-pound notes and sovereigns would not circulate together. The Bank of England and the country banks, were charged with a dereliction of duty, in not contracting their issues when the exchanges indicated that they were driving gold out of the country. Now, if it be a sufficient objection against paper that it displaces gold, there ought

not to be any paper whatsoever. Every note of the thirty or forty millions of paper which are now circulating in this country, displaced, when it was first issued, an equal quantity of gold. This is so obvious, and now so perfectly familiar to the merest tyro in the theory of money, that it does not stand in need either of illustration or of proof.

Since the paper, which costs nothing, performs all the functions of currency as well, the large notes indeed much better, than gold; while every sovereign exported causes the importation of a sovereign's worth of productive capital, or consumable produce; the country gains, by the substitution, the whole value of the gold. There is a gain to the currency in cheapness, while there is no loss in steadiness of value. The currency is altogether in a more perfect state than before. When an issue of paper *replaces* to displace a corresponding quantity of gold, then, and not till then, is the currency depreciated; then, and not till then, is there an over-issue. But this, by universal admission, cannot happen while the Bank continues to pay in specie on demand.

The above argument may be thus briefly recapitulated:

No issue of paper can be called an over-issue, which does not depreciate the currency:

It cannot depreciate the currency, if it displaces as much coin from the circulation as it adds paper:

By universal admission every issue of paper has this effect, so long as there remains a single sovereign in the country:

Therefore, so long as there remains a sovereign in the country, there has been no over-issue.

Thus far, the argument has nothing in it particularly complicated, or difficult of apprehension. We must here, however, observe, that to understand the rest of the discussion, the reader must keep constantly in view the principles already established; and, to be sure of keeping them in view, must dwell upon them before proceeding further, till they are quite familiar. Nothing less will be just to the writer, or entitle the reader to expect either profit or pleasure from the ensuing part of the argument.

With this remark we resume the thread of the argument.

An objection has been made to the above reasoning. Admitting that every



million of notes issued causes the export of a million of coin, it is contended that this effect does not take place till after a considerable interval; during which interval the currency is actually increased to the extent of the extra million; its value, consequently, depreciated to that extent; and whatever bad consequences arise from a depreciation of the currency (of which speculation is asserted to be one) take place during that interval.

If the matter of fact involved in this objection were correct, the inference from it would be indisputable. If it be true that a considerable interval must elapse before the increase of the currency is carried off by the export of gold, all the evils arising from a depreciated currency must be experienced in the meantime. We maintain, however, that the interval is very inconsiderable. And upon this point we join issue with the opponents of a paper currency.

We shall proceed to state the reasons which have been assigned for the opinion that a considerable time must intervene between the issue of paper and the consequent export of gold. These reasons will be taken from the ablest publications on that side of the question. We should have preferred to take them from the speeches in Parliament, had the speeches in Parliament afforded them. But the only reason which was urged in Parliament was contained in one word—*Experience*: a reason, which, so long as we are not informed *what* experience, proves nothing whatever, except the ignorance of its propounder.

The reasoning of those, upon the authority of whose publications Parliament adopted this opinion, was as follows:

Until the exchanges have turned sufficiently against us, or, in other words, until foreign bills have risen to a sufficient premium, to yield a profit on the exportation of the precious metals, they will not be exported. But the exchanges turn against us, only when we have a balance to pay to foreign nations. The only process, therefore, by which the issue of paper can cause the exportation of coin, is the following. It first lowers the value of money, and raises prices. In so far as this rise of prices affects exported commodities, it reduces the profit upon their exportation. In so far as it affects imported commodities, it increases the profit upon their importation. Importation is thus encouraged,

and exportation checked; the imports exceed the exports, a balance becomes due, the exchanges fall, and gold is sent abroad. Every step of this process, it is asserted, requires some time; and in particular, a considerable time must elapse between the sending out orders for additional imports, and the period when payment for them has to be made. During this interval, therefore, the currency will be depreciated.

Our answer to this objection is as follows:

That *some* time is required to effect the process by means of which a quantity of gold is carried off equal to the paper which has been issued, cannot possibly be denied. But it is evident that, for the purposes of the present inquiry, the only material question is, *how much*? If it requires only a few days, or even one or two weeks, to carry off the increase of the currency, any depreciation which can take place during that interval, is of small moment. But if the depreciation continues for many weeks, or months, its consequences may be very serious indeed. Let us therefore consider by what circumstances the length of the interval will be regulated.

The effect of the issue of paper, is to raise prices. We shall not here inquire what period of time, if any, would elapse, before the rise of prices took place. Suffice it to say, that until it has taken place, the currency is not depreciated, and therefore no evil is as yet produced by the issue. But as soon as there occurs a rise in the price of any of the great articles of import, immediate intelligence is sent off to Paris, or Hamburgh, and the merchants of those places immediately make their arrangements for profiting by the rise. The celerity with which the operations of commerce are performed when there is an adequate motive for so performing them, is matter of universal notoriety. Extensive shipments would probably be made within a week after the receipt of the intelligence. Nor is it correct to say that these shipments would not affect the exchange until the goods came to be paid for by the English purchaser. They would affect it immediately. There are few merchants who would be inclined to wait till the goods were sold, for a return to their capital. There are many who could not. These would imme-



diately draw upon their correspondents, or agents, in London, to whom the goods had been consigned, and carry the bill to a bill-broker in Paris or Hamburgh, to be cashed. This would bring bills on London to a discount; or what is the same thing, the exchange would rise. The next post would carry this intelligence to London, and without a day's interval the London exchange would undergo a corresponding fall.

That the exchange cannot rise on one side of the channel without instantly falling on the other, it is quite unnecessary to prove to any mercantile man. But to those who are not familiar with the facts, we will explain in what manner the variation, which had taken place at Paris, in the exchange between the two countries, would communicate itself to London.

The speculators on the exchanges, hearing that bills on London were selling in Paris at a discount, or, in other words, that English money could be purchased at Paris for less than its worth, would immediately send orders to their Parisian correspondents to invest as much money as possible in bills upon London, at the favourable rate of exchange. In directing their agent to make these purchases, they, of course, must, at the same time, supply him with the means. For this purpose they would go to a London bill-broker, and demand bills upon Paris. This demand would raise bills to a premium, in a word, lower the exchange.

Instead of a long interval, therefore, there is a very short interval between a depreciation of the currency and a fall of the exchange. Two days carry to Paris information of the rise of prices; eight or ten days, at the utmost, suffice for the shipment of goods; bills are immediately drawn upon London for the amount; the exchange rises at Paris, and no sooner is this known in London, than a corresponding fall in the exchange takes place there. As soon as the fall in the exchange, or in other words, the premium on bills, becomes sufficient to cover the expence of remitting gold, gold is exported for the sake of drawing against it and gaining the premium.

The expence of remitting gold to France does not amount to one per cent: a depreciation of the currency, therefore, to that extent, would be sufficient, after an interval of a few days, to cause the export of gold. The slightest

excess above the expense of transit, is a sufficient motive to those who speculate on the exchanges; a class of men proverbially keen-sighted, and who are contented with very small gains, on account of the rapidity and certainty of the return. The exportation would in fact begin even *before* the exchange yielded such a premium as would be necessary to render the speculation a profitable one. There are transactions in anticipation of profit, as well as transactions for immediate profit, in this line of business as in others. To give an instance: Mr. Haldimand, in his Evidence before the Commons' Committee on the resumption of cash payments in 1819, mentions that in the October preceding, when France had engaged for very large payments to foreign powers, "the Paris bankers, anticipating a great demand for bills upon all foreign countries, were remitting specie to meet the drafts which they intended to negotiate to the agents of all those foreign powers, with a small advance upon their remittance."

Among the individuals who are constantly engaged in watching the minutest indications of possible profit in this line, it is sufficient to name Mr. Rothschild, in order to convince the reader that neither immediate nor prospective gains are in any danger of being overlooked.

Let us now recapitulate the substance of our argument against the first proposition.

The proposition was, that a paper currency admits of over-issue. We have seen, *first*, that there is no over-issue where there is no depreciation; *secondly*, that there is no depreciation, where the paper issued drives out of the country a corresponding quantity of gold; *thirdly*, that it always does this, while the Bank continues to pay in specie: and does so after an interval too short for the depreciation to be productive of any material inconvenience while it lasts.

Having thus, as we think, completely disproved in theory the proposition of our opponents, let us now revert to the phenomena of 1824-25: and though, for want of evidence, we cannot trace accurately the connexion of the events, we can prove at least, that what is known of them does not afford any ground for adhering to an opinion, the fallacy of which in theory has been so clearly shown.

The great increase of the currency



which took place previously to the commercial crisis, has always been ascribed, and with justice, to the speculations of that year. It will be shewn presently, that the prevalence of speculation always leads to an increase of the currency: in the meantime, as this is an admitted fact, we shall consider it, and reason upon it, as proved. The tendency to speculation first manifested itself in a more than ordinary degree, in the spring of 1824. It increased gradually during the remainder of that year, and reached its greatest height during the first three months of 1825. Now it was also in the spring of 1824, that the efflux of gold commenced. The exchanges turned decidedly against us in July of that year: And we have the authority of Mr. Tooke, (on whose part it may be regarded as an admission, since it makes against his theory), that a considerable amount of gold had found its way out of the country by other channels, some time previous to the turn of the exchanges. Here, then, is no proof that the exportation of gold does not take place till a considerable time after the increase of the currency. The evidence is not very conclusive; but such as it is, it makes against this opinion, not in its favour.

We may perhaps be told, that we do not make a fair statement of facts. It may be admitted, that the exchanges turned, by the time that the speculations had caused any increase of the currency. But the currency, it may be said, had been increasing in amount, for a considerable time previous to the speculations. The country banks had been extending their issues ever since the year 1822: and had increased them considerably before the spring of 1824. They are even in the habit of increasing their issues as corn rises in price: and yet, the increase never affects the exchanges, nor sends gold out of the country.

These facts are undeniable: and they lead to the consideration of a law of our currency, which has never been sufficiently attended to; this is, the dependence of its value upon the Corn Laws. A rise in the price of agricultural produce invariably increases the issues of the country banks. The notes of the country banks are chiefly issued in discounts, or other advances, to farmers and corn dealers. When the articles in which these persons deal, appear to be

rising in price, they apply to their bankers for greater advances, in order to obtain the means of holding back their stock till the price has reached its height. If the rise continues for some time, the farmers need greater advances, that they may be able to add to the supply; and all speculators in corn, at the higher prices, require a greater quantity of money to make their purchases. Add to this, that when corn is high, all persons whose property is corn can give better security, and can therefore more readily obtain whatever loans they require. In this manner the issues of the country banks are increased, and we admit, without affecting the exchanges, or driving gold out of the country.

We maintain, however, that this is not the consequence of our paper currency, but of those laws which injure us in so many other respects as well as this—our Corn Laws. We affirm, that the country banks could not thus extend their issues if the trade in corn were free; and that a similar extension will take place, even under a metallic currency, while that trade continues under restraint.

These assertions we shall now endeavour to prove.

A circumstance which must by no means be forgotten, is, that when commodities rise in price, it really requires an increased quantity of money to circulate them. When corn and other agricultural produce rise in price, more money, by some means or other, must be had in the agricultural districts; and if it be not permitted to be produced upon the spot, it will be sent from London. This will cause a diminution of the circulating medium in London, and a fall of prices there. As in other cases, so in this, a fall of prices will produce an increase of exportation. Under a perfectly free trade in corn, the increased exports would be paid for, as they naturally and properly should be, by that additional importation of corn which the rise in its price would occasion: there would, therefore, be no increase in the amount of our currency; it would only be differently distributed between town and country. Under a restricted corn trade, the case is widely different. Corn cannot be imported. Other imports will not be increased, but diminished, from the fall of their price in our market. In what, then, can the increased exports be paid for, but in gold? And will not this



gold be as real an addition to the currency, as the country paper? Gold will flow in, until the vacuum is filled, which was left in the London circulation by the country demands; since the balance between the exports and imports will not be restored until prices have again risen to their former level. The addition, therefore, to the currency, and the fall in its value, will be precisely the same in amount, whether under a paper currency, or under a metallic.

Let this general explanation of the process by which depreciation would be produced, even under a metallic currency, when corn was dear, should not be deemed sufficiently intelligible, we will now enter more minutely into the detail.

If, when corn is dear, there be need of additional loans in the agricultural districts, (which is the fact assumed by both parties as the basis of their arguments), the need would not be less under a metallic currency than under a paper. The farmers and corn dealers would still apply for increased advances; and as the country bankers are the great money dealers, to them the application would still be made. The country bankers, like the London bankers, would not cease to lend money, even though it were money manufactured by other people; and if they could not increase their issues, that would be no reason why they should not, if the security were good, increase their loans. Suppose then that they were prohibited from making loans in their small notes, in their large notes, or even in bills on London, they would not give up the point so long as any other medium was to be had; they would write to desire their agents in London to remit to them a sufficient quantity of Bank of England notes, or to exchange these notes at the Bank for specie, and remit the specie\*.

\* It may perhaps be objected, that the country banks would be more sparing in their advances to their customers, if they had to provide gold for the purpose. Under circumstances favouring the spirit of speculation, and thus tending to increase the general demand for loans, this would be perfectly true. But under the circumstances now supposed, it would not be true. If the country bankers would not make further advances to their customers when corn was rising, the London money dealers might and would. Except when there is a general spirit of speculation afloat, (or what is equivalent to it, an increased disposition to give credit), increased applications for loans from one quarter are always accompanied by diminished applications from an-

If the Bank re-issue these notes, which it may safely do, here is an increase of the currency, just as much as if the country banks had made the increase themselves. If it do not, prices fall, and gold flows in, by the process which we have already explained.

We have now, as it appears to us, completely disposed of that argument against a paper currency, which is founded upon the fluctuations to which it is supposed to be liable, in non-speculative periods. We have shewn, that there is only one case in which the amount of our currency, relatively to that of our commodities, can be increased, without turning the exchange against us, and causing the immediate abstraction of the superfluous part of the circulating medium:—that this one case is that of a rise in the price of corn:—and that, although in fact our currency rises and falls in amount, as the price of corn rises and falls, this is a fluctuation by no means peculiar to a paper currency, but common to every currency in a country where there are corn laws. It may consequently be added to the already long catalogue of the evils to which we are subjected by those pernicious enactments.

We are now prepared to pass to another head.

2. *Speculation.*—The second proposition is, That in speculative periods, if there be a paper currency, it is sure to be over-issued, and by producing a general tendency of prices upward, to heighten and prolong the spirit of speculation.

To this argument the same reply cannot be made as to the last. It would be in vain to say, that if the currency be increased in speculative periods, the exchanges will turn, and carry off the increase; for the increase of the currency

other. It is the articles that appear to be rising, which excite speculation, and produce a demand for loans among the dealers in these particular articles. But unless there be an increase of the currency, either previous or simultaneous, one article cannot rise unless another falls. While agricultural produce, therefore, is rising, other articles will fall, and while the farmers and corn dealers are calling for increased loans, there will be a cessation even of the usual demands from other quarters. A number of the London money lenders will thus have a portion of their capital set free, which they will be ready to lend to the farmers, either directly, or as would probably be more convenient, through the medium of the country bankers.



which is produced by speculation, generally to a certain degree extends itself to those countries with which our principal commercial transactions take place\*; and the exchanges, therefore, will turn against us, and drive out gold, not to the extent of the whole depreciation of our currency, but only to the extent of the difference between the foreign depreciation and our own. Conformably to this, it will be found, that the rise of prices during the speculative period of 1824-25 was so great, as to indicate an increase of the currency much above what would have been sufficient to drive out the excess, if the currencies of other countries had not been simultaneously increased; and although gold was at that very time flowing out at a most rapid rate, prices continued for many months at the same elevated range.

It cannot be denied, therefore, that our currency, as at present constituted, is liable, in speculative periods, to a fluctuation in value, of the nature of a depreciation.

What, however, may be maintained, and what we are prepared to shew, is, that to this depreciation a paper currency is not more subject than a metallic would be, if co-existent with so extended a system of commercial credit as exists in this country: that every country in which an extended system of credit exists, is liable to a depreciation of its currency in periods of speculation; and that the only effect of suppressing the country banks, would be, to cause the same depreciation to take place by means of credits of a far more objectionable description.

When it is supposed that paper-money is the cause of that depreciation of the currency which commonly takes place during periods of speculation, that property is overlooked, which speculation

possesses, of creating the medium in which it is itself carried on.

It seems to be supposed by persons unacquainted with business, and who have paid no particular attention to the subject, that the whole of the currency of this country consists either of coin, or of bank notes of some description, issued either by the Bank of England, or by country banks; and that the currency can be depreciated only by an undue increase of one or other of these media. This, however, is a mistake.

A large portion of the circulating medium of a commercial country consists of mercantile *bills of exchange*. And the functions of currency are discharged, and the need of currency superseded, to a very great extent, by mere *credit*.

In what manner bills of exchange perform the functions of currency, is shewn in the following passage, from a work which has contributed more than almost any other to the diffusion of sound principles on the subject of currency:—

“Let us imagine a farmer in the country to discharge a debt of 10*l.* to his neighbouring grocer, by giving to him a bill for that sum, drawn on his corn-factor in London for grain sold in the metropolis; and the grocer to transmit the bill, he having previously indorsed it, to a neighbouring sugar-baker, in discharge of a like debt; and the sugar-baker to send it, when again indorsed, to a West India merchant in an out-port, and the West India merchant to deliver it to his country banker, who also indorses it, and sends it into further circulation. The bill, in this case, will have effected five payments, exactly as if it were a 10*l.* note payable to bearer on demand. It will, however, have circulated in consequence chiefly of the confidence placed by each receiver of it in the last indorser, his own correspondent in trade; whereas, the circulation of a bank note is owing rather to the circumstance of the name of the issuer being so well known as to give to it an universal credit. A multitude of bills pass between trader and trader in the country in the manner which has been described; and they evidently form, in the strictest sense, a part of the circulating medium of the kingdom\*.”

It is evident that if our currency is capable of being depreciated by an increase of that portion of it which consists of *bankers'* paper, it is no less capable of being depreciated by an increase of that portion which consists of *mercantile* paper.

Independently of the direct substitute

\* The increased orders which our merchants send abroad in a period of over-trading, reduce the stocks on hand in the warehouses of the foreign dealers, and give rise to anticipations of deficiency in the supply. Anticipated deficiency is the most frequent of all causes of speculation: and the speculative spirit thus spreads to foreign countries. There, as here, it leads to an increase of the circulating medium, by an extended use of private paper and credit; and of course sinks the value of the currency, though rarely to so low a level as ours, because the derivative speculation rarely equals the original one in extent.

\* Thornton on the Paper Credit of Great Britain, p. 40.



for money presented by the employment of bills of exchange in making purchases,—an increased use of credit, whether given by means of bills or by mere entries in a book, also supersedes the use of money, though in a less direct mode, and consequently depreciates the currency. For the value of the circulating medium does not depend upon its quantity merely, but upon its quantity compared with the number and amount of the pecuniary transactions, in the settlement of which, it is employed. When, therefore, by an extended use of credit, the amount of transactions settled through the intervention of money is diminished, the same numerical quantity of money becomes relatively greater, and the value of the circulating medium is reduced.

It is well known that every increase of speculation is accompanied by an extended issue and circulation of mercantile paper, and with an extended use of credit. A period of speculation is invariably marked by great confidence. While prices are rising, every one seems to be growing rich, and on the strength of his supposed riches, every one finds his neighbour ready to give him credit. The speculator wishing, as the term implies, to extend his transactions, avails himself of this facility of obtaining credit, to the full extent which his speculations require. For most purposes, it is evidently more convenient to obtain a banker's note, for the purpose of making purchases, than to make purchases with a bill. Notwithstanding, however, the superior convenience of notes, a large increase is constantly made, in periods of speculation, to the quantity of mercantile paper performing the functions of currency. And the same, or a still greater increase, takes place in the amount of transactions which are settled without the intervention either of bills or of money; by mere transfers in a banker's or a merchant's books. These additions to the currency have the same effect in lowering its value, which a similar increase in the issues of the country banks would have.

It is this unavoidable increase of the circulating medium, which renders the recoil of prices so destructive after a period of speculation. The speculation itself would only raise the prices of those articles which were the original objects of speculation. But suppose an article to be sold and resold ten times, (no

uncommon event in speculative periods,) and suppose a bill to be drawn by each successive seller upon the purchaser, and all these bills to be added to the general mass of the circulating medium employed in making purchases: the effect which this must have in depreciating the currency, is most evident. By this depreciation, prices in general are raised, and commodities in general become objects of speculation\*. The fresh speculations produce a fresh addition to the circulating medium, and a fresh rise of prices; and so long as this lasts, every person in business appears to be rapidly making his fortune; until at last the articles which rose first and highest begin to fall, from the increased supply which the high prices have called forth, or perhaps from the mere desire of the holders to realize their gains. This causes the ruin of a large proportion of the holders of those articles: their paper becomes worthless, and ceases to circulate: the circulating medium being thus diminished, the prices of all other articles begin to fall at an accelerated pace, scattering ruin as the fall proceeds, and not only annihilating the paper of all the firms which successively become insolvent, but spreading a general distrust, which renders every one unwilling to take even the customary amount of private paper. The circulating medium is thus reduced, and prices con-

\* This was strikingly the case during the speculative mania which preceded the late revulsion. "The speculative anticipation of an advance was no longer confined to articles which presented a plausible ground for some rise, however small. It extended itself to articles which were not only not deficient in quantity, but which were actually in excess. Thus, coffee, of which the stock was increased, compared with the average of former years, advanced from 70 to 80 per cent. Spices rose, in some instances, from 100 to 200 per cent. without any reason whatever, and with a total ignorance on the part of operators of every thing connected with the relation of the supply to the consumption. In short, there was hardly an article of merchandise which did not participate in the rise. For it had become the business of the speculators or the brokers, who were interested in raising and keeping up prices, to look minutely through the General Price Currents, with a view to discover any article which had not advanced, in order to make it the subject of anticipated demand. If a person, not under the influence of the prevailing delusion, ventured to inquire for what reason any particular article had risen, the common answer was, 'Every thing else has risen, and therefore this ought to rise.'—*Traveller on the Currency*, p. 47.



sequently fall to a much lower level than that from which they previously rose.

All that fluctuation, therefore, in the value of the currency, which takes place in periods of speculation, may thus take place without the intervention of bankers' notes, by mercantile paper and credit alone.

In case it should be objected, that, if bankers' notes were abolished, at least that portion of the increase in the circulating medium would be prevented, which takes place by the increased issues of the country banks;—we will now shew, *first*, that if all bankers' notes were this day abolished, their place would be filled by an equal amount of mercantile paper; and, *secondly*, that, in periods of speculation, the same addition to the currency, which is now made by bankers' paper, mercantile paper, and mere credit, taken together, would be made by the two latter media alone.

To the first of these propositions we have the evidence of reasoning, and the evidence of fact; both of them of the most conclusive kind.

Country notes are issued in loans made by the country bankers to their customers. Loans would still be wanted by their customers if country notes were no more: and the country bankers would still be the persons applied to, in order to furnish them. If they furnished these loans in specie, they would be obliged not only to go to the expense of bringing specie from London, but to go to the expense of procuring the specie itself. They would, therefore, prefer to make the required advances by granting bills upon their agents in London, which bills being sent to London when due, would be exchanged without the intervention of money, by the operations of the clearing-house.

Accordingly, in Lancashire, where there are no local banks of circulation, bills on London, drawn by the bankers of that county on their correspondents, constitute the great mass of the circulating medium; as is proved by the following extracts from the evidence taken before the Lords' Committee on Scotch and Irish currency in the last session:—

*John Gladstone, Esq. M.P.*—"We sell our goods, not for payments in cash, such as are usual in other places, but generally at credits from ten days to three months, to be then paid for in bills on London at two or three months'

date: these bills we pay to our bankers, and receive from them bills or cash, when we have occasion for either to make our payments."—P. 216.

Again: "We have a considerable portion of large Bank of England notes in circulation: these are generally used for the payment of duties, and also for the purposes of remittance; but THE GREAT MASS OF OUR CIRCULATION IS IN BILLS OF EXCHANGE; sovereigns and smaller bank notes are only required for such objects as charges of merchandize, with duties, freights, and other items. I believe the circulation in bills of exchange is of great magnitude; the circulation of bank notes limited."—P. 219.

*Lewis Lloyd, Esq.* says, that before the notes of certain banks in neighbouring counties found their way into Lancashire, the currency consisted of "NINE PARTS BILLS OF EXCHANGE, AND THE TENTH PART GOLD AND BANK OF ENGLAND NOTES. I am inclined to think the bills of exchange bore a still greater proportion.

"The money (he was asked) which you suppose the manufacturer draws for wages, you are in the habit of paying in gold or Bank of England notes?—Yes, we are wholly.

"If he draws upon his deposit account, and it is supposed not to be for wages, how do you make payment upon that account?—It is generally made in bills of exchange drawn on London, but we accommodate his wishes as much as we can.

"Some of those bills of exchange are drawn from one part of Lancashire on another, are they not?—The bills of exchange called for by a manufacturer in such a case as that put, are mostly drawn in Manchester in his favour, and he uses them as he likes.

"Supposing a manufacturer in Manchester were to have a deposit account with you, and to make repeated demands for gold beyond what you thought necessary for the payment of wages, what would be your conduct?—We should say that we could not supply him. There is an understanding between the manufacturer and the banker: the manufacturer is to be supplied with what his wages require; but the ordinary demands of business beyond wages are usually paid in bills of exchange; and if he did not conform to that practice, we should complain, and object to his manner of conducting his account.

"Do those bills of exchange circulate from hand to hand in Manchester? Yes; when a bill is drawn in favour of a manufacturer, he endorses it usually to the person to whom he pays it, and the person to whom he pays it pays it again to another, and it goes on often till it is covered with endorsements.

"So that in fact it forms a part of the circulating medium?—THE PRINCIPAL PART.

"Have you not seen bills of exchange of that nature, for the value of 10l. with fifty or sixty names upon them?—Yes; with twice that number. I have seen slips of paper attached to a bill as long as a sheet of paper could go, and when that was filled, another attached to that."

Again: "Do you know any system adopted in Lancashire, from which there arises a check upon the quantity of those bills of exchange that may be issued?—The check upon them is their convertibility into Bank of England notes; that is, the facility with which they are discounted in the London market.

"That is the only check, is it not?—Yes it is." P. 299



Mr. Henry Burgess, a manufacturer at Leeds.—“What is the general circulating medium of Lancashire, independent of those promissory notes,” (of the Blackburn and Macclesfield banks?)—“THE GREAT MASS OF THE CIRCULATING MEDIUM OF LANCASHIRE, AS IN ALL the manufacturing districts in the North, is **BILLS OF EXCHANGE**; a part of the circulation is in gold and silver, and Bank of England notes.”

“Are not many of those bills of exchange for sums from 10l. to 30l.?—A great portion certainly from 10l. to 30l.”

“Are there many below 10l.?—No.”

“What proportion do you suppose those bills of exchange bear in value to the Bank of England notes and gold which circulate in Lancashire?—I should say that on the first of December last those bills of the value of 10l. and not exceeding 30l. amounted to FOUR-FIFTHS.”

“If you do not confine your answer to bills of exchange under 30l. what proportion does the gold and Bank of England notes bear to the bills of exchange in Lancashire?—I should say that the bills of exchange were MORE THAN TWENTY TO ONE. I have this day received a letter from a bank in Lancashire, who states the amount at much higher than that.”

“Have you any objection to state the name of that banker?—Mr. Roby, of Rochdale, of the firm of Fentons and Roby.”

“At what does he state them to be?—He says they are as FIFTY to one\*.”

“Do you know of any system by which an effectual check can be given to the amount to which these bills of exchange may be circulated?”

“Inasmuch as these bills of exchange all, or in great measure come to London, and are exchanged at the clearing-house without the intervention of bank notes, except in the proportion of about one-twentieth part, the check is a very inefficient one.” P. 294.

It would, no doubt, be easy for the legislature to abolish this kind of paper currency also, if it were so minded. Parliament might not only prevent credit from being given through the medium of the fittest persons, the bankers, in the most convenient form, that of notes; it might even prevent it from being given through the medium of those fittest persons in any form whatever. But could it put a stop to credit altogether? If not, is it not highly expedient that credit should

be given in a mode which admits of public-  
 ity, and in which all loss to the lenders  
 from the insolvency of the borrowers  
 may be completely obviated? You would  
 prevent a company of opulent merchants,  
 with a large capital, from issuing notes  
 which bear no interest, when you cannot  
 prevent John-a-Nokes, without any capital  
 at all, from issuing notes which bear  
 interest, to any extent to which he can  
 find persons to take them. You would  
 prevent a merchant from receiving bills  
 or notes from his banker, whose power  
 to discharge them you may render cer-  
 tain, if you please; when you cannot pre-  
 vent two merchants, on the brink of in-  
 solvency, from agreeing to draw bills  
 to any amount upon one another, and  
 with these defrauding any number of  
 dealers of their goods, under pretence of  
 a purchase.

After such testimony as the above,  
 our first position, that if local notes were  
 abolished, their place would be supplied  
 by bills of exchange, can no longer be  
 withstood. Our second, that in periods  
 of speculation the same depreciation  
 would take place by means of bills and  
 credit, which now takes place by means  
 of bills, credit, and country notes to-  
 gether, will appear upon a little consid-  
 eration equally obvious.

The banks increase their issues in  
 periods of speculation in the following  
 manner. The speculator draws a bill,  
 which he carries to be discounted in the  
 banker's notes. This he does, because  
 the notes are more convenient to him  
 than the bill; but if he can find a banker  
 to discount a bill for him, we may rely  
 upon it that he could find a dealer to  
 take the same bill in payment for goods.  
 He who has credit enough to obtain a  
 loan from a banker, has credit enough  
 to obtain goods from a dealer. When-  
 ever there is a disposition to give credit  
 too easily, which there always is in pe-  
 riods of great speculation, we may be quite  
 certain that this disposition is stronger  
 among the other classes of the commu-  
 nity, than among the bankers. Other  
 persons have other business to attend  
 to. The business of a banker consists  
 hardly in any thing else, except in  
 learning all that is to be learned con-  
 cerning the stability of those with whom  
 he has dealings. And though much  
 has been said on the subject of the  
 anxiety of a banker to get out his notes,  
 we should be surprized if it were greater

\* Mr. Burgess has since published a pamph-  
 let, in which he informs us, that Mr. Roby made  
 his statement upon an accurate examination of  
 the receipts in his own bank for years past. He  
 also states, that circulating bills compose the  
 greatest part of the currency, not only in Lan-  
 cashire, but throughout the north of England.  
 He considers Bank of England notes and  
 country bankers' notes to form, conjointly, not  
 more than a tenth of the whole paper circulation  
 of the kingdom. As a practical man, his tes-  
 timony is valuable to the important fact that  
 bills increase in a much greater proportion  
 than notes, during periods of speculation.



than the anxiety of a dealer to get out his goods.

Supposing even that it were found impossible to pay wages and perform the smaller retail purchases with bills, (though why small bills should not answer as well as small notes, we are unable to divine); it is not usually in paying wages, or in performing small purchases, that the speculator lays out the money which he borrows to carry on his speculations. And if one of the remote consequences of the speculation be the employment of additional men by the manufacturers, the absence of small notes would oppose no material obstacle to this, since the necessary quantity of gold might easily be spared from the retail transactions, by an extended use of bills in the latter; a change which, in a period of confidence, would be unattended with difficulty.

Thus, then, it appears, that in periods of speculation, the addition to the circulating medium and the depreciation of its value, are no greater with a local bank paper than without it\*.

\* It may possibly be contended, that an addition to the number of bank notes depreciates the currency somewhat more than an addition of equal amount to that part of the circulating medium which consists of bills; because paper which bears interest, does not in general pass so rapidly from hand to hand, as paper which is wholly unproductive in the hands of the owner. This is in some measure true. When a bill of exchange comes into the hands of a person not in business, or whose business at that time happens to be slack, he generally keeps it till it becomes due, having no particular motive to make purchases with it, and being well satisfied that so much of his capital should be yielding interest without trouble to himself. But the bills drawn for the purposes of speculation are drawn in order to make purchases; and pass into the hands of the dealers in those articles which are the objects of speculation. With them, of course, business is very brisk, and they are very active in extending it. Far from keeping a bill in their hands for the sake of the interest at such a period, they are more likely, besides paying away the bills they receive, to draw additional bills of their own, for the purpose of increasing their available capital.

We have the important testimony of Mr. Tooke to the fact, that "a great briskness in the general circulation, a rapidity in the interchange between goods and money, or credit," is "an invariable attendant on speculative periods."—*Tooke on High and Low Prices*, 2nd. edit. p. 73.

But even if it were true, that an addition to that part of the currency which consists of bills, produced a less depreciation than is produced by an equal addition to that part of it which consists of notes, there is a counterbalancing circumstance. The amount of

Metallic money, therefore, has no advantage over paper in periods of speculation. But paper money has an immense advantage over metallic in the revulsion which follows.

During a commercial crisis, credit almost entirely ceases. None but the very best bills, and of the shortest dates, will pass current in the market; and for all other payments, ready-money must be provided. Those who have it, are unwilling to let it out of their hands; knowing that nobody who has demands upon them, will receive payment in any other medium. They therefore postpone all ready-money purchases. Thus, at the very moment when money and nothing else will be received in purchases, scarcely any money is offered; its purchasing power consequently is prodigiously increased, prices fall ruinously low, and insolvencies are multiplied a hundred-fold beyond what the mere destruction of the paper of the original insolvents could have produced. Now then, if a supply of paper, of undoubted security, can be poured into the market, sufficient to compensate the undue contraction of the currency, all this unnecessary evil is obviated. But if not, it must wait the tardy process of importing bullion from abroad: which, after all, may perhaps be hoarded as fast as it comes in.

If the distress of last winter was what it was, notwithstanding the issue of several additional millions of Bank of England notes; what might it not have been if the enormous contraction, natural at such a crisis, had been suffered to continue?

We have now, we hope, fully answered the second great proposition of our antagonists.

3. *Rate of Interest.*—The third proposition is, That when the paper currency is suddenly increased, a fall takes place in the rate of interest, which, by diminishing the incomes of the owners of small capitals, drives them to

bills in circulation may be more easily multiplied than the amount of notes. Every one who passes a bill affixes his own indorsement to it. The security of every bill thus becomes greater than that of most of the notes, and it consequently will be accepted with less difficulty.



engage in hazardous speculations; and that this actually happened during the last three years.

The first position which we think it necessary to lay down, is one which, we presume, will be called *theoretical*; not because it is a *theory*, for that is a character common to all general principles, but because it differs from the theory of those who arrogate to themselves the exclusive appellation of *practical men*. The practical men generally imagine, that the rate of interest depends upon the quantity of the circulating medium. Our proposition is, that it depends upon no such thing; but purely upon the competition between the lenders and the borrowers; and can be affected by no circumstance which does not influence either the amount applied for by borrowers, or the amount offered by lenders.

This surely is almost as obvious of itself, as any illustration can make it. If, in one night, every piece of money in the country, of whatever denomination, were doubled, whereby all prices would be doubled, and the purchasing power of money reduced one-half; can any person suppose that the rate of interest would be lowered? True it is, that all who lent money would have twice as much to lend; but as it would now require twice as much to perform any purchase, all who borrowed money would now find it necessary to borrow twice as much. The lenders and the borrowers would bear the same proportion to each other, and the rate of interest would remain unchanged.

This error, which consists in supposing, that the quantity of the currency regulates the rate of interest, and which is one of the most common of the many errors constantly committed by mere men of business, when they wuddle with general reasoning, arises from that frequent source of incorrect inference, ambiguous language. The word *money* is used in two significations. In its common signification, money means money; currency; the circulating medium: the quantity of money means the quantity of currency; the value of money means its purchasing power. In the language of commerce, on the contrary, money means money lent, or rather money offered to be lent. The market for loans is called the money-market; by the value of money,

is meant the rate of interest: great facility in obtaining loans is called plenty of money; great difficulty in obtaining them, is called scarcity of money.

This *equivoque* would, it might be thought, be too obvious a one, to impose even upon the most ignorant; nor do we believe that it would impose upon any body except the *practical men*; who, because they know better than other people a sort of facts which are not to the purpose, think themselves entitled to remain in perfect ignorance of all those which are. No other class of persons could have imagined, because *currency* and *loans* happened to be called by the same name, that an abundance of the one imported an abundance of the other. The practical men, however, imagine that it does.

But there is another and a more intelligent class of reasoners, who, allowing that it is an increase of loans, and not an increase of the currency, which operates to depress the rate of interest, affirm, however, that from the manner in which our paper currency is issued, exclusively through the medium of loans, an increase of the paper currency almost necessarily imports an increase of loans. It is upon this ground, that they ascribe to the paper currency, the speculations of the last three years. Before the speculations began, there had been, they contend, a greatly increased issue of paper, the whole of it in the way of discounts or other advances, by the country banks. This lowered the rate of interest, and by reducing the incomes of those who lived by the interest of their capital, drove them into all sorts of hazardous speculations. An increase of issues by the Bank of England afterwards took place, and still further heightened the evil.

This opinion, though less absurd in principle than the foregoing, imports a misapprehension of the actual facts.

Allowing that an increase of lenders tends to lower the rate of interest, it will not certainly be contended that every increase of lenders has this effect. It is only when an increase of lenders takes place, *unaccompanied by a corresponding increase of borrowers*, that it produces a fall in the rate of interest. If an addition be made to the loans, coincidently with an equal addition to the demand for them,—much more, if the former addition is called forth by, and is



the consequence of, the latter,—we might more reasonably expect that this variation in the state of the money-market, should be attended by a rise in the rate of interest, than that it should be productive of a fall. And such, as we shall prove by documentary evidence, was the character of that increase of loans, which took place during the last three years. It therefore was not, we may infallibly conclude, the cause of any depression of the rate of interest.

The increased issues were made, partly by the country banks, and partly by the Bank of England.

It is allowed on all hands, by what circumstance the increased issues of the country banks were occasioned. They were occasioned by the rise which had been gradually taking place since 1822, in the prices of all descriptions of agricultural produce. Now, the only manner in which this could cause an increase of issues, was by causing an increase of applications for them. In what manner it does this has been explained in a former part of this essay. The increase of lending, therefore, was called forth by a previous increase of the desire to borrow. After the speculations began, a further increase of issues was produced, by a further increase of applications. The additional loans, therefore, did not come into competition with any part of the capital previously lent: and the increased issues of the country banks may be dismissed, as having had no tendency, direct or indirect, to depress the rate of interest.

The increased issues of the Bank of England stand upon somewhat a different ground. In the case of this establishment, the extension of its loans was its own spontaneous act, for the purpose of carrying off the superfluous quantity of specie in its coffers. And had its additional loans been made in the ordinary mode, (the discount of mercantile bills,) its tendency to lower, for a short time, the rate of interest, would have been out of dispute. The new loans were, however, made to a new borrower—the Government. They were made, in the purchase of the Dead Weight, as it is called; that is, the military and naval pension annuities.

Mr. Vansittart, when Chancellor of the Exchequer, finding that the military and naval pensions pressed heavier upon our finances than appeared to him to be

pleasant or convenient, bethought himself of a plan for taking a part of the load off the shoulders of the present generation, and laying it upon posterity. This was to be effected by prevailing upon somebody to take upon himself the great, but constantly decreasing burthen of these pensions, upon condition of receiving, in return, from the public, a fixed annuity for 45 years. This was obviously equivalent to raising an annual loan to defray so much of the annual expense of the pensions as exceeded the fixed annuity; the loan to be repaid gradually, when, by the decease of a part of the pensioners, the annuity should in its turn come to exceed the pensions. To raise a loan, keeping up at the same time the mockery of a sinking fund, was exactly of a piece with that system of trickery and juggle which was the grand characteristic of Mr. Vansittart's financial career. But with this, or any other of the absurdities, with which this extraordinary measure was chargeable, we have at present nothing to do. The point essential to our argument is, that the Bank undertook the payment of a certain portion of the pensions, on condition of receiving from the public a fixed annuity of 558,740*l.* From the value of the transaction, its advances, in the first years, of course, greatly exceeded this annuity, and could not be made without either diminishing its accommodation to individuals, or increasing the amount of its issues. Its accommodation to individuals had already been greatly reduced, by its refusal to discount, except at a rate of interest exceeding the market rate. But still the reduction had not been sufficient to admit of its making the new advances to Government, without an increase of its issues; which accordingly took place.

So much for the facts. Now for the application. The Bank extended its loans. But to the same extent to which it extended its loans, a new borrower appeared, in the person of Government. The new loans displaced no capital which was already invested, nor deprived any of its expected, or customary, investment. If the advances had been made by private capitalists, from funds which they had, previously, been in the habit of lending to individuals, who does not perceive that there would have been a considerable rise in the rate of interest? The effect of the extension of the Bank



issues, was to prevent this rise. It produced no fall. From the nature of the case, it could not produce any.

The Bank does not make returns of the amount of its discounts, and other loans to individuals; and parliament was in too great a hurry to legislate on the subject, to think of calling for much information regarding it. They called, however, for returns of the amount of notes in circulation for some years back, on the fifteenth days of February, May, August, and November, in each year: periods chosen as being the remotest possible from the payment of the quarterly dividends, which always occasions a great temporary fluctuation in the

amount of the currency; and therefore indicating, more nearly than any other periods which could be chosen, the average issues for the quarter. The annexed Table exhibits these quarterly returns for the three years, 1823, 1824, and 1825, compared with the average amount in circulation in 1822, computed from the same returns; and contrasted with the advances which the Bank had made, up to the same periods, on the dead weight. It will thence appear, that, with one exception, at every one of the twelve quarterly periods the advances on the dead weight exceeded, often greatly exceeded, the increase of the Bank issues.

Average amount of notes in circulation during the year 1822, taken from the quarterly returns ..... } £18,042,925.

| Year.    | Notes in Circulation. | Excess above average of 1822. | Amount of advances on the Dead Weight. | Greater or less than the increase of issues. |
|----------|-----------------------|-------------------------------|----------------------------------------|----------------------------------------------|
| 1823.    |                       |                               |                                        |                                              |
| Feb. 15. | £17,802,610           | none                          | none                                   | } Greater.                                   |
| May 15.  | 18,501,370            | £ 458,445                     | £ 885,719                              |                                              |
| Aug. 15. | 19,892,810            | 1,849,885                     | 2,110,719                              |                                              |
| Nov. 15. | 20,353,130            | 2,310,205                     | 1,885,719                              | } Less.                                      |
| 1824.    |                       |                               |                                        |                                              |
| Feb. 15. | 20,357,160            | 2,314,235                     | 3,060,719                              |                                              |
| May 15.  | 19,961,900            | 1,918,975                     | 2,895,719                              | } Greater.                                   |
| Aug. 15. | 20,960,530            | 2,917,605                     | 4,010,719                              |                                              |
| Nov. 15. | 21,184,420            | 3,141,495                     | 3,745,719                              |                                              |
| 1825.    |                       |                               |                                        |                                              |
| Feb. 15. | 21,301,930            | 3,259,005                     | 4,880,719                              | } Greater.                                   |
| May 15.  | 20,046,070            | 2,003,145                     | 4,615,719                              |                                              |
| Aug. 15. | 19,676,010            | 1,633,085                     | 5,746,094                              |                                              |
| Nov. 15. | 17,980,620            | none                          | 5,453,224                              |                                              |

At all these periods, except one, the reader will perceive, that the Bank had increased its loans to Government, more than it had increased the totality of its issues; its loans to individuals, therefore, by which alone the rate of interest (as we have shewn) could possibly have been affected, were diminished; and the effect, therefore, which the operations of the Bank were producing upon the money market at all these periods, must have been to keep up the rate of interest, instead of depressing it. The one period, which we mentioned as an exception, was that of November, 1823; at which the increase of issues did exceed the advances to Government by rather more than 400,000l. How far so trifling a variation as this, which is not greater than is happening, as the monthly returns shew, almost every month, and which was almost immediately withdrawn, is entitled to be

considered as the cause of the fall in the rate of interest which took place, we leave the reader to judge\*.

But what, then, it will be asked, was

\* Much has been said on the subject of the peculiar evils which are supposed to have arisen from the loans (to the extent of 1,400,000l.) which the Bank came to the resolution of making upon mortgage. That such loans were utterly inconsistent with all sound principles of banking, on account of the virtual inconvertibility of the security, we admit: but these loans could not affect the money market in a different manner from any other loans. The table in the text has shewn, that when the Bank made these advances on mortgage, its loans to individuals were less, discounts and mortgage taken together, than they were when it made its loans solely by way of discount: notwithstanding the mortgages, therefore, its operation upon the rate of interest, must have been, not to produce the fall, but to check it. In point of fact, the Bank resorted to the measure of lending on mortgage, only because it could get no bills to discount, its rate of discount being higher than the market-rate.



the cause of the great fall, which took place in the rate of interest, in 1823 and 1824?

We protest against the supposition, that we are under any sort of obligation, because we negative an alleged cause, to assign the real one. We will, however, make the attempt; premising that we do not pretend to do more than conjecture; nor are we by any means certain that in a case of this sort, any thing more than a conjecture can be made.

The rate of interest, like the prices of commodities, though it is subject to casual variations, has nevertheless a point to which it converges; and this point is regulated by the rate of profit upon mercantile capital. The rate of interest, on the average of a considerable number of years, always bears some proportion to the rate of profit\*. If therefore, we had the means of ascertaining what rate of interest the ordinary rate of profit would warrant, we should have the means of discriminating between these fluctuations in the rate of interest which are casual and temporary, and those which are permanent.

Now, to a criterion of this sort, though we cannot obtain it exactly, we may distantly approximate. During the ten years of peace which followed the American war, and during which the rate of interest seems to have been tolerably steady, the average price of three per cent consols was about 76†; and the

rate of interest on the best security, measured by this test, would appear to be somewhat under four per cent. This, therefore, may be considered, with some plausibility, as the rate of interest which was at that time warranted by the average rate of profit upon capital. After this period ensued a war of 30 years. During war the rate of interest is always higher, relatively to the rate of profit, than during peace: because the immense loans which are then called for, with a view to unproductive expenditure, and not to profitable employment, render it necessary that a greater proportion of the holders of capital should be induced to lend it, in preference to engaging it in business: which inducement can only be held out by means of a rise in the rate of interest. In the meantime, the great increase of our population, combined with the Corn Laws, which have only come into operation since 1815, has raised the price of the necessaries of life greatly above the average of the years preceding the war. This has raised nominal wages, and by increasing that part of the cost of production of all commodities which consists of the subsistence of the labourer, has lowered the general profits of stock. Adverting, therefore, to the greatly increased prices of necessaries in the last ten years, as compared with the ten years preceding 1793, we shall not perhaps be far from the truth in conjecturing, that if 4 per cent. was a rate of interest justified by the rate of profit in 1788,  $3\frac{1}{2}$  per cent. is as much as is justified now.

This would show 85 or 86 as the natural and reasonable price of three per cent consols at the present time, and probably for some years to come. To this price, accordingly, the three per cents have always gravitated. From the close of the war the funds gradually rose, until their rise was checked by the commercial distress of 1819. Commercial distress, by producing a great immediate demand for ready-money, always lowers greatly the price of, in other words, increases the interest on, all securities which are immediately convertible. The three per cents fell in 1819 to 60½. But they soon resumed their tendency upward, and on the first of November, 1822, they stood at 82½. For a few months afterwards, they were slightly depressed, by anticipations that this country might possibly become

\* This dependence of the rate of interest upon the rate of profit, gives the measure of the extent to which an increase of loans, even when uncalled for by any increase of borrowers, can depress the rate of interest. Of the class of lenders there are always some, who at the existing rate of interest would rather lend their capital than embark in business themselves, but who, on the slightest reduction, would cease to lend, and withdraw their funds to another investment. Capital is thus withdrawn from the money-market, to an amount equal to that of the additional loans, and then things are as they were before. This answers the general argument against our paper currency, founded on its supposed tendency to cause fluctuations in the rate of interest. In the text we have contented ourselves with analyzing the particular case on which the supporters of that argument rely.

† We exclude the year 1793, which, if taken into the account, would render the average of the whole period far more favourable to our conjecture than it now appears. But we are aware that the very high price of the public securities in that year, was owing to peculiar causes not connected with the general rate of profits on capital.



involved in the war which was then commencing between France and Spain. When these anticipations ceased, the rise of the funds recommenced, and on the second of December, 1823, they were at  $84\frac{1}{8}$ , not far from their present price (in December, 1826).

Thus far the fall of the rate of interest is easily and naturally accounted for, by supposing it to be a reasonable and proper fall, with reference to the rate of profit at the time. The subsequent rise of the funds from  $84\frac{1}{8}$  to  $96\frac{1}{8}$  in about five months, cannot be thus accounted for. It would be absurd to suppose that in so short a time a fall took place in the rate of profit sufficient to warrant so great a fall in the rate of interest. But the truth is that no fall took place in the general rate of interest, corresponding to this rise of the funds. We are assured by persons possessed of the most authentic information, that the rate of discount on the best bills never fell lower, during the last four years, than  $3\frac{1}{2}$  per cent. To this level it had already fallen in July, 1823, long before that sudden rise in the public securities, of which we spoke. We have little doubt that this rise was merely the effect of speculations on the Stock Exchange. It occurred at a period when speculations were rife, and when, the funds having risen gradually with little interruption for three years, the speculators were very likely to calculate upon a further rise. At all events, from whatever cause the rise may have begun, it was sure, when it did begin, to set the speculators in motion, and to produce that ulterior rise from speculative purchases, to which the funds are liable in common with all other articles which are bought and sold.

We have now disposed of the three great arguments against a paper currency in general: viz. first, that it is liable to over-issue; secondly, that it affords facilities to speculation, when excited by other causes; lastly, that the fluctuations in its amount, produce fluctuations in the rate of interest, and that, when a fall of interest is produced by this cause, speculation is the consequence.

If the foregoing deductions are as conclusive as they appear to us, it has been established that these three objections either are not applicable to a paper cur-

rency at all, or not in a greater degree than to a metallic currency.

The expediency, therefore, of the suppression of the small notes, in so far as it depended upon any of these reasons for its support, may be pronounced to have been disproved.

Of objections applicable to the small notes, but not applicable to a paper currency at large, two only have been alleged. The first is, that the holders of small notes are the persons who suffer most from the insolvency of the issuers: The second is, that the small notes are the great cause of panics.

The first of these objections would be obviated, if the insolvency of banks of circulation were rendered, as it might be rendered, virtually impossible. The second appears to us to be unfounded.

Under a system of banking so wretchedly constituted as ours, where that general apprehension, which is called a panic, is often no more than a very justifiable alarm—it may be that the alarm (although it does not arise earliest) continues longest, and is most difficult to remove, among the holders of the small notes. And under such a system it may be said, with some plausibility, that the small notes are a cause of panics. Under a secure banking system, on the contrary, it is not the small notes, but the absence of small notes, which is apt to be a cause of panics.

In Scotland, where there is no reason for a panic, (only two banks of circulation, we believe, having there become insolvent in the last hundred years), it is in evidence before the committees that the people prefer notes to gold, because they feel themselves incapable of discriminating between real and counterfeit coin. This will always be the case, where the currency, with the exception of the subsidiary coins, is wholly paper, and where no insolvencies occur to shake the public confidence in the latter. If gold circulated in Scotland along with notes, the probability of a panic, under a banking system so perfectly secure, would even then not be considerable; but it is difficult to believe that it would not be greater than at present.

While ministers and parliament were wholly taken up by the vain attempt to remove the causes of mercantile revolutions, they neglected to apply many of those palliatives, which legislative wis-



com would have suggested, to mitigate the destructiveness of those revulsions, when they occur.

Against one of the most distressing features in the late crisis, the failure of the country banks, they did indeed provide a partial remedy, by permitting the establishment of banks with an unlimited number of partners, in any part of the kingdom, beyond a circle of 65 miles round London. The Bank of England would not consent to any greater sacrifice of its exclusive privileges, except upon condition of a further prolongation of its charter: to which condition, much to their credit, ministers refused to accede; and England must, therefore, wait till the year 1833, when the Bank charter will expire, for the establishment of banks with more than six partners in and near London, or of banks with limitation of the responsibility of any of the partners, in any part of the kingdom. For what has been done, however, by ministers, to render banking partnerships more secure, we are willing to give them the due praise; and, in our opinion, much more has been done than many of the speakers in parliament were disposed to allow.

It was argued, by Mr. Baring and others, that unless the measure extended to the establishment of banks with limited responsibility, either upon the principle of a *commandite* or of a joint stock company, it would be nugatory; since very few banks had hitherto availed themselves even of the full number of partners allowed by law; and if even six persons had so rarely been willing to risk their whole fortunes by embarking in a bank without limitation of responsibility, it was, they argued, extremely improbable, that a still greater number of persons should do so.

The readers of our former volume are aware that we entertain an opinion highly favourable to such an alteration in the law as shall permit *commandite* partnerships, not only for banking purposes, but for all others. Yet, we are far from going along with Mr. Baring in the opinion, that because this has not been done, nothing has been done. The difference, either in stability or in credit, between a bank with five and a bank with six partners, is a trifle: and the sixth place, being the last, will generally be kept open until some person, with capital and credit sufficient to be of

material service, may offer himself to fill it. But the difference both in stability and in credit between a partnership of six and a partnership of sixty, is *ceteris paribus* very great; a bank, therefore, which has no motive to increase itself to six, might have abundant motive to increase itself to sixty partners, which it could the more readily do, as the risk to each of the sixty would only be one-tenth of what it now is to each of the six. The truth is, that associations of from six to twenty partners are by many degrees more unsafe than any other kind of partnerships. The majority of the partners, though their whole fortune is at stake, cannot personally superintend the management, and they are not sufficiently numerous to appoint a committee for the express purpose of watching over their interests. When the shareholders are more numerous, they appoint a Board of Directors to superintend and control the managing partners or officers; and that superintendence, which cannot be exercised by the partners individually, is regularly exercised by those of their number in whom they most confide.

It is difficult to conceive how Mr. Baring could assert, that persons would not be found to enter as sleeping partners into banking companies without limitation of responsibility; when he could not be ignorant of the great number of mining and other associations which exist in London without any such limitation; and when, (to say nothing of the newly-established provincial banks in Ireland,) it is proved by the returns made to parliament, that six of the Scotch banks\*, without any limitation of responsibility, consist of 112, 147, 202, 446, 521, and 1238 partners respectively; and that there are five other Scotch unchartered banks, in each of which the number of partners exceeds sixty—while, of the twenty-nine unchartered banks, there are only five in which the partners amount to any number intermediate between eight and sixty-one; a fact strongly corroborative of our remark, that such partnerships hold out less advantages than any others.

Nor is there more weight in another

\* The Arbroath Banking Company, the Perth Banking Company, the Dundee Commercial Bank, the Aberdeen Town and Country Bank, the Commercial Banking Company of Scotland, and the National Bank of Scotland.



argument which has been urged by some, to prove the unimportance of the late alteration in the law; namely, that a considerable number of the Scotch banks consist only of a small number of partners. It has never been asserted that the existence even of chartered banking companies, was incompatible with the existence of common banking partnerships. But it is incompatible with the existence of banking partnerships whose credit is not equal to that of a banking company; and this is surely as perfect a security as is necessary. Accordingly, the banks with few partners have in Scotland been found practically as secure as those with many.

The measure of ministers, therefore, was not only unobjectionable in principle, but will prove, we doubt not, useful in practice. Still, it was not the only security, which it would have been practicable and useful to take against the insolvency of bankers. And, such as it is, it will not, probably, come into full operation for some time. There is another and a still more effectual check, which might have been brought into operation immediately. It might have been rendered imperative upon the country banks to make returns, at stated periods, of the whole amount of their notes actually in circulation, together with the property which, after satisfying all other demands, the concern possessed, as the means of meeting those notes. These returns should, like the returns for the purpose of the income tax, be liable to be verified on oath, if required; and should include all the assets of the concern, exclusively of the private fortunes of the partners. No banker, to whose credit the publication of these statements would be favourable, could feel any disinclination to furnish them; and while they would render it absolutely impossible for a bank to issue more notes than it possessed the means of paying, they would not be liable to the same objections as the regulation which has been suggested, requiring all banks of circulation to make deposits of stock, a plan which, to say nothing of several other possible inconveniences, would probably cramp exceedingly the power of the banks to afford accommodation to the public. The same regulation would meet the objection which we have sometimes heard against a currency consisting of small notes, that the influence of the

country bankers is such as to render them virtually inconvertible. Under the present banking system this argument may have some weight. We can readily conceive that it may be in the power of a country banker to pass his notes among the poorer classes, although his credit is not sufficient to give them general circulation. But the plan which we have suggested would put an end forever to the circulation of country notes of inferior quality. The quantity can never be unduly increased by the mere influence of the country bankers. For there is always *somebody* in every district who is beyond the sphere of that influence; and as soon as the amount of the circulation has been increased beyond the due extent, it is the interest of this *somebody* to buy up the notes and present them to the issuers for payment.

The Bank of England likewise should be required to make periodical and frequent returns of its issues; distinguishing according as the notes were issued in discounts, in purchases of exchequer bills, advances to Government, purchases of bullion, and so forth: not to obviate any danger of the insolvency of that establishment, but in order that any alteration in the amount either of its issues or of its loans, which could affect either the money market, or the value of the currency, might be known at the very earliest period possible. Such returns would not only remedy all the real defects of our currency, but, even if the defects were real, which we have shown to be imaginary, even to these they would provide an effectual remedy.

Another measure, which parliament did not think proper to adopt, but which, had it been adopted, would have done more to relieve the present, and mitigate future distress, than any other measure that can be named, is the repeal of the Usury Laws.

One of the chief peculiarities of a period of commercial distress is, that every body wishes to borrow, while nobody is willing to lend. From a fall of prices, or the failure of some one who is indebted to him, a merchant is disappointed of a sum which he expected to receive, and which was his only immediate means of meeting an engagement falling due the same day. Failure to pay a bill when it becomes due, is an act of insolvency; and a merchant will raise



money at any sacrifice to avoid it. When many persons are placed simultaneously in this situation, it may be supposed for what an extraordinary amount, beyond the usual quantity of loans, a demand is produced. But the same cause which produces this desire to borrow, produces at the same time a disinclination to lend: not only by reason of the little confidence which at such a period is likely to be felt in the solvency of the borrower; but because the fall in the public securities, and in the prices of goods, occasioned by the same attempts to raise money immediately, enables him who has funds at his command, to invest them at a profit greatly exceeding the legal rate of interest. Who would lend to a merchant at five per cent, at the risk of losing all by his insolvency, when by buying into the three per cents at 75, he can obtain immediately four per cent upon his money; and by selling out a year afterwards, when they have risen to 83, realize a profit of about ten per cent more, independently of the dividends accruing in the intermediate period, amounting in all to a gain of fourteen per cent in one year? The same persons might perhaps be willing, if they were permitted, for the sake of the immediate gain, to discount at short dates, at the rate of seven or eight per cent. Thus, by not being permitted to borrow money for a few weeks, at two or three per cent above the legal rate, many merchants have no doubt been ruined; while a far greater number have possessed themselves of the means of continuing their payments by the most enormous sacrifices in other ways. For here the absurdity of the usury laws shines out in the most glaring colours. The laws which prevent money from being raised by borrowing, cannot prevent it from being raised by forced sales of stock, or forced sales of goods. The same stagnation which renders it so difficult to borrow money, renders it still more difficult to dispose of goods, except at ruinously low prices. Mr. Tooke\*, in his pamphlet on the currency, states, that to his knowledge, during the late crisis, extensive sales were made of stock, at a loss of twenty or thirty per cent; and of goods for immediate money, at a still greater sacrifice. Mr. John Smith† “knew an instance

“in which, for a very large sum, no less than from 74 to 76 per cent had been paid. This, of course, had been done by a bargain in selling out stock for money.” And Sir Henry Parnell\* stated, that “a banker had told him that instances had come to his knowledge, “in which,” by forced sales of goods, “a loss of 90 per cent had been incurred.”

The opportunity was lost of ridding the country of the nuisance of these laws, which, nugatory in periods of prosperity, exist exclusively to the effect of aggravating the pressure of commercial distress.

The list of palliatives which might have been adopted, is far too long for enumeration. We must, however, add one more, which we hold to be of considerable importance. The notes of the country banks ought to have been made payable in Bank of England notes only, and not in gold. It is evident that so long as the Bank of England is solvent, the security of its notes is equal to that of gold. By rendering them a legal tender in exchange for country notes, not only would the nation be spared the expence of keeping a reserve of gold in every country bank, but the evils of a panic would be greatly mitigated. It is well known that the great cause of the failure of so many London bankers in December 1826, was the immense drain upon them for specie to meet the demands of their country correspondents. The same demands produced that drain upon the bank, which so very nearly produced a second suspension of its payments.

To the above catalogue of remedies omitted, may be further added the repeal of the Corn Laws; which, as we have shown in a former place, are the cause of the chief fluctuations to which our currency is liable, and which, moreover, by lowering the rate of ordinary mercantile profit, really produce that tendency to hazardous speculations which is so erroneously, though so commonly, imputed to the system of our currency.

If the views which have been promulgated in the preceding pages be correct, it must appear that parliament, in its attempts to legislate for the currency, and for the commercial crisis, has erred most

\* P. 62.

† *Ante*, p. 320.

\* *Ante*, p. 236.



widely, both in what it has done, and in what it has omitted to do.

These errors did not take place without a cause; and the cause, which led to such effects, must needs be one, which it is of no small moment to us to investigate.

Interest, in this case, is chargeable with no part of the blame. Neither Parliament, nor those who make the Parliament, had any interest in the question, other than the general interest of the nation: and the speakers from all sides of the two Houses demonstrated generally a laudable freedom from party feelings and prejudices. Yet, though every person obviously applied his mind to the subject with the most sincere desire of being right, it not only happened, in our opinion, that the great majority came to a conclusion which is wrong, but all who are even moderately conversant with the subject must allow, that but a small share of ability was displayed by either side, even in the statement of its case. Nobody seemed to have made the subject a matter of study. Nobody seemed to have made even an attempt at examining it in all its bearings. They had come to the consideration of the facts of a very complicated case, unprepared by a previous acquaintance with those general principles, which would have taught them what were the facts, among so great a number, which it was necessary to attend to. They remained almost universally in ignorance of the material facts, for want of knowing what facts *were* material; and attending only to the obvious appearances, jumped from one seeming coincidence, to a crude generalization. Even the most acute, for want of a clue to guide them, could do no more than can be done by mere sagacity, unassisted by knowledge; which is, to form a strong conception of some one or two of the material circumstances, and to draw, from these one or two circumstances, what would have been a just inference if there had been no *other* circumstances to be taken into the account, but in which all the other circumstances were overlooked. The crudeness of their conceptions was strikingly demonstrated by the inability of any of them to give any thing like a connected statement even of his own case. With the exception of the Marquis of Lansdowne\* on the one side, and Major Maberly on the other, not a man could state the grounds

of his opinion in a manner which would be deemed creditable by any well-instructed person who agreed with him. And even the Marquis of Lansdowne only professed to state the argument as he found it in Mr. Tooke's pamphlet. It is true that he could not have taken it from a better source: it is true, moreover, that he seems to have understood the pamphlet, and therefore, although in our opinion misled, he was misled by arguments by which it is no discredit to a man of sense to have been led astray. There were few of the speakers on this question, Whigs or Tories, in whose favour so much as this can be said.

This universal incapacity is not accidental, nor is it confined to this question. It may be observed on all questions requiring any depth of thought, or accuracy of knowledge; and it is only more conspicuous on a subject like the present, because it is not quite so easy to make words pass for ideas on such a topic, as on a question of government, judicature, or law. Nor will this incapacity appear wonderful, when we reflect, that the same cause which disables most of our public men from coming to the right conclusion on one subject, disables them equally on all—they have no general principles to guide them.

As there are quack physicians, and scientific physicians, so there are quack politicians, and scientific politicians. The characteristics of the quack are very seldom accurately conceived; and the word generally expresses little more than a vague and unanalyzed feeling of contempt. But the distinction between the man of science and the quack, is broad and obvious. The man of science is he who knows and applies the general principles, the theory, of his art. The quack, or empiric, is he who, ignorant of principles, generalizes upon the few particular instances which his own narrow experience has presented to him. Now, the general principles of the physician are the general laws, according to which it has been observed, or inferred, that the phenomena of the human body regulate themselves. The general principles of the statesman are, in like manner, the general laws, according to which it is observed, or inferred, that the phenomena of human society regulate themselves. By the diligent study of these laws, the philosophic statesman or physician has learned, what *causes*, in the field

\* *Ante*, p. 175.



of his inquiries, are followed by what *effects*. By this knowledge, he is taught to look for the effect, only when he has perceived the cause: while the empiric, on the contrary, who is ignorant of the cause, expects the effect, whenever he has observed that, once or twice, in circumstances not obviously dissimilar, the same event, or something like it, has occurred.

The world has produced many scientific physicians, but few, very few scientific statesmen: nor is there much in the education or pursuits of our practical politicians, which warrants the expectation that many such will arise in their ranks for a long time to come.

In the first place, every scientific statesman must, in the present state of the world, be self-taught. In any established system of education he will meet with few helps, and many obstructions. He to whose skill the care of the human body is confided, finds every where some provision made for teaching him, in the best manner which the state of science in the age and country will allow, the causes which determine the good or ill condition of the human body. But he who is destined to direct the government of a nation, finds nowhere any adequate provision for teaching him the causes which determine the good or ill condition of the *political* body. In few countries do the laws of human thought, and human action, the principles of legislation, government, and political economy, form any part of the established course of education. In the great public seminaries for the education of the higher ranks of our countrymen in particular, not only are these branches of knowledge not taught, but every thing that is practicable is done to keep the mind of the student from turning towards them; partly by direct discouragement, partly by holding out rewards and honours exclusively to pursuits of a character diametrically opposite, and the more trifling and unprofitable the better; thus drawing off, by the appearance of intellectual exercise, those active minds, which are ambitious of higher distinctions than that of being victor in a rowing match, or in a horse race.

If the education of our statesmen and legislators does so little to fit them for their business, their subsequent occupations do still less.

A part, after they leave the school or the university, enter into the subordinate

departments of the public offices, and serve their apprenticeship to the highest functions of government by discharging the lowest. If these have not acquired a taste for the study of the general principles of political philosophy, before they enter upon this career, they are little likely to acquire it amid the official drudgery in which they are from that time immersed. It is not in the midst of such occupations as these, that the mind learns to contemplate, on an extended scale, the operation of the causes of national prosperity and decline. Facts, of a certain description, they may have opportunities of observing; statistical facts, which it is necessary that the statesman should know, as it is necessary that the physician should know the constitution of his patient, but which he can learn as well, or better, from the testimony of others, as from personal observation. But it would be as reasonable to expect that a bricklayer's labourer, by piling up bricks, should learn the principles of architecture, as that a clerk in an office should learn, in the exercise of his calling, the principles of good government. He who learns nothing but official details, knows nothing but official details: and if he would know any thing else, he must seek his knowledge elsewhere.

The next class from whom our legislators are drawn, is the mercantile and manufacturing class. After a life spent in the inspection of balance sheets, and prices current, they retire from 'Change, and frequent St. Stephen's, imagining themselves capable of managing the state, because they have succeeded in managing the counting-house. The circumstance which is most characteristic of this class, is the persuasion which they have universally imbibed, that on all subjects which concern the wealth or commerce of a nation, it belongs to them to decide, and to the rest of the world to obey. These pretensions they uphold by styling themselves practical men, and warning off the ground, with no very mild denunciations, all persons who, under any other title, venture to encroach upon it. The idea which, we presume, they wish to convey when they call themselves practical men, is, that as men of business they possess a practical knowledge of many facts, not equally well known to others, which bear upon the particular question under discussion. Even if this were true, it would not entitle their opinion to any particular weight; be-



cause the knowledge of facts does not necessarily impart any peculiar qualifications for drawing the right inferences from these facts; and besides, if they know facts not known to other people, let them state those facts; but let them not complain because their *inferences* from facts are not taken for facts, and received upon their authority. The assertion, however, that what are called practical men, possess any peculiar acquaintance even with the facts, on which the decision of great public questions usually turns, is devoid of truth. A merchant, as such, is not *necessarily* acquainted with any facts, except those which determine him to buy and sell: nor even here is his knowledge necessarily very profound. Those who have been behind the scenes know well, what an affair of mere routine mercantile business usually is. To produce, purchase, or import, every year, about the same quantity which was produced, purchased, or imported, the year before, increasing or diminishing the quantity a little, as the market appears to be looking up or down,—constitutes, pretty nearly, the sum total of the art of commerce, as it is commonly practised. What the chancellor Oxenstiern said of the government of the world, may be said with almost equal correctness, of its trade, *Quam parvâ sapientiâ regitur!* The moment these men of practice quit the beaten track, strike out a path for themselves, and launch into the field of commercial speculation, all becomes mere guess work: the sort of experience which they have acquired is not of a nature to make them acquainted with the *remote* causes of the events which they hear and see; and their ignorance of these renders them mere gamblers; incapable of foresight, incapable of calculation; staking their fortunes upon the chances of the market, precisely as men of another description stake theirs upon the chances of the card-table.

It is not to be denied that a merchant has peculiar *opportunities*, if he knows how to employ them, of knowing *some* of the facts which bear upon many great public questions. But these very opportunities of knowing some of the facts, are apt to divert his attention from the remainder; and by knowing half the facts, being ignorant of the other half, he is still more likely to come to the wrong conclusion, than he who is ignorant of the whole. He may, in general, be trusted to,

for judging, with tolerable correctness, of the effect which any measure will have upon his own immediate interest. That ignorance of remote causes, of which we spoke, disables him, in the majority of cases, from judging correctly of the effect of the measure, upon even his own *ultimate* interest: and of its effect upon the *public* interest, he is usually a worse judge than other people, because his attention is wholly fixed upon a different part of the subject. We might illustrate this observation by numerous specimens of the part which has been taken by the practical men on almost every great commercial question for the last twenty years. As might be expected from the extremely narrow range of their experience, they are in the habit of giving utterance to more absurd theories than any other class of human beings, and are notoriously the last persons who can be taught how to use their own eyes, or to comprehend the most obvious signs of the most familiar phenomena. At the time of the Bullion Report, they to a man maintained, that a currency could never be depreciated, so long as it was issued only in discounts at 5 per cent, upon bills of short date, and undoubted security; and averred, that since, at that time, guineas were not at a premium, it was a conclusive proof that the currency was not depreciated. To the above opinions, a portion of them continue to adhere\*. The majority, having at length been shamed out of these extravagances, by men who had never crossed the threshold of a counting-house, and who were probably ignorant of the difference between a day-book and a ledger, now stride at once to the opposite extremity of the scale; imagine that this over-issue, which they had deemed impossible, is the one and only source of every evil that befalls the country; and after giving the whole weight of their support to a currency which *was* liable to excess, now join in raising the cry of excess against a currency which is not.

There is yet another class, from which

\* See Mr. Hudson Gurney's invective against the Bullion Committee (*ante*, p. 218). See also the speech of Mr. Thomas Wilson (*ante*, p. 212). "As to the doctrine," says this gentleman, "of limiting discounts, in order to force up the exchanges, be regarded it as one of the absurdities of the day." It is a fact, pregnant with meaning, that a representative of this stamp should have sat in two parliaments for the city of London.



a large portion of our legislators are taken—the country gentlemen; and these, having over the two former the advantage of leisure, and of not having their minds narrowed by exclusive devotion to one particular pursuit, would be, beyond question, the fittest class for the functions of legislation, were their education so directed as to give them either the qualifications of a legislator, or a taste for the acquisition of those qualifications. But—so exquisitely is our system of education adapted to its end—to nine-tenths of them it teaches nothing; to the remaining tenth, nothing but what they do not want: and we consequently find that this class, in qualifications for business, is only distinguished from the other two, by possessing in a greatly inferior degree that diligence and attention, which, from early habit, commonly adhere to those who have been trained in the routine of the counting-house or of the office.

That a legislature thus composed should scarcely ever be *able*, even when it is *willing*, to legislate for a great nation as the wants of a great nation require, is a result which ought to excite neither disappointment nor surprise. By what rule can he, who has no scientific knowledge of the connexion between effects and causes in public affairs, distinguish causation from mere casual coincidence? And what is the quack, but he who confounds the latter with the former? And, accordingly, from time immemorial, it has happened to this country as to others, that its laws have been made by quack legislators, and its affairs administered by quack statesmen; while it is only now and then, at immense intervals, that a man has arisen, who made even an approach to the character of a scientific statesman or legislator. But though this be the deplorable picture which history exhibits to us, it holds out one great and encouraging lesson: That the man of general principles, even though imperfect, has ever thrown the men of tricks and expedients into the shade: That in every age, he who has approached the nearest to the character of a scientific politician, has been confessedly the first man among his contemporaries, and the only one whose reputation as a statesman has long survived him. What was it which made Edmund Burke, with all his errors, (and few men have committed more grievous ones,) soar so immeasurably above the vulgar orators, and still more vulgar

statesmen of his day? What, except that he was a man of general principles? Imperfect, indeed, and in many important points erroneous, those principles were; but they will cause his name to be remembered, when the waters of oblivion shall have closed over the greatest and most admired of his contemporaries, and when the very existence of such men as Pitt and Fox, shall be remembered only by the places which they held.

From his time to our own, in so far only as Mr. Horner is an exception, the only man of general principles who has made his appearance in public life, was Mr. Ricardo. And the ascendancy, which, in the few short years of his parliamentary career, this great man acquired, over the minds even of those by whom he and his principles were abhorred, but who could not avoid feeling the infinity of their littleness when beside him, is an inspiring lesson to all who shall hereafter start in the same career of excellence, and a salutary antidote to the benumbing counsels of those preachers of indifference, who assiduously chaunt the parrot strain that true greatness is never appreciated, and who, by way of apology for their own firm determination to make no attempt at benefiting mankind, strive with all their might to persuade others that mankind are far too foolish and wicked, to render the idea of benefiting them any thing but the dream of a madman.

Of the present ministers, a part have adopted the conclusions which Mr. Ricardo had deduced by logical ratiocination from the most extensive and best established laws of human action; and are so far superior to the mere statesmen of routine. But men born when they were born, educated as they were educated, and occupied as they have been occupied since they entered into life, could scarcely be expected to have attained so clear a conception of those general laws, or so much skill in following them out to conclusions applicable with unerring certainty to the particular circumstances of each particular case, as to be able to tread unassisted in his path. They are so imperfectly acquainted with the principles from which the opinions they have adopted are a deduction, that they are continually liable to make mistakes in the application. So conscious are they of this, that they always seem to be afraid of their ground, and distrustful of their



own opinions: ready to follow implicitly the guidance of any plausible person, the general tenor of whose opinions coincides with their own; but their confidence in others as easily shaken as their confidence in themselves; vacillating, unsteady; and quickly frightened (not by fear for themselves, but by an anxious desire to do their duty, coupled with distrust in their own judgment) into the abandonment even of the opinions of the truth of which they have professed, and with sincerity, to be the most firmly convinced. Thus, on the very subject in discussion,—the subject of a paper currency,—they were at first so eager to put a stop to the circulation of the small notes, that they could not wait for the form of parliamentary sanction, but prohibited, on their own responsibility, the stamping of such notes. Then they grew alarmed at the stories which they heard concerning the discredit into which the small notes had fallen through their over-anxiety to get rid of them in a hurry; and they permitted the issue of the small notes of the Bank of England—beyond all question the worst sort of small notes—for a further period. But now with one accord the Scotch bankers, and all who were connected with Scotch bankers, raised an uproar; in which they were cordially joined by every Scotch jobber, who, hating ministers for the good they had done, stretched a point to oppose them even when they were doing mischief. The great novelist himself took the field, and put forth an entertaining story-book on the currency, in which, between an anecdote and a joke, he wedged in an insinuation, that Scotchmen had not yet forgotten the use of the claymore. Completely bawled down, ministers at length did for the Scotch and Irish currencies, what they ought from the first to have done for the English; they granted a Committee of Inquiry. The result was, that the proposed change was abandoned so far as respected Scotland, and postponed as regarded Ireland: and if ministers have one-half the discernment for which we give them credit, they have long since deeply regretted that they ever hazarded a measure, which has materially lowered them in the estimation of the public, and done no good.

The debates in Parliament were rather marked by general weakness, and igno-

rance of the subject, than by the peculiar absurdity of any one among the opinions which were broached. There was something deserving of attention, however, in the treatment which was sustained by the unfortunate science of political economy. On most questions affecting the public wealth, the party in the right is pretty much accustomed to be taunted, by the party in the wrong, with being misled by political economy. But in the present instance, *each* party was taunted, by the other with having been led into its present errors by that delusive study. Those who were for a gold currency, said, they had never concurred in the theories of the political economists on the advantages of a paper currency. Among these was Mr. Tierney\*, who said that on this point he was more obstinate than on any other, although (he added) he knew that good, wise, and well-informed men differed from him, and although, he, for his part, affected to know no more, and see no farther, than his neighbours. Those who were for a paper currency said, that “excepting only the members of the Political Economy Club, there were no persons to be found who approved of the conduct of ministers†.” Another speaker on the same side, Mr. Hudson Gurney‡, “could not help attributing the source of all the evil to the Bullion Committee. Mr. Horner had come up to it from Scotland to confuse the question with Scotch metaphysics.” From all which it may be inferred, that there were at least some persons on both sides, who, although they differed in their opinions, agreed in their contempt for persons who were wiser than themselves.

Proportioned to the invectives of both parties against “political economy” and “metaphysics,” was the eagerness of each to shew that it had the practical men on its side; and vehement was the contest before they could settle, on which side the practical men really were. Mr. Baring, who agreed with ministers that the small notes were a nuisance, but who pertinaciously opposed their suppression, on the ground (if we comprehend him rightly) that a period of distress was the wrong time for such a measure, made a series of speeches, in one of which, amid bitter complaints of the sacrifices made in

\* *Ante*, p. 314.

† Mr. Ald. Heygate, *ante*, p. 236.

‡ *Ante*, p. 218.



theory, and the disregard shewn to practical men, he exhorted the House to re-collect, that, in spite of all eloquent speeches, it "stood in this situation—the men of business in it, from one end to the other, told the right hon. gentlemen to beware. He did not think there was one banker or merchant in the House, on whatever side he might be accustomed to vote, who ventured to say he thought this measure could be carried without injury to the country. . . . If any practical man would get up and say that this measure could be carried into effect without great suffering, he would give up the point." His call was answered by Mr. Grenfell, who took a widely different view of the state of opinion among practical men. "As a practical man, his opinion was, that not only might this measure be carried with safety, but that there could be no permanent safety for the country without it. There was not a single practical man who would attempt to deny that the one pound note system was a nuisance which ought to be abated; that the evils which now afflicted the country originated in those notes, and that one of the remedies for those evils was to do away with that circulation†."

The word *experience* was of course bandied from one side of the house to the other, and the average number of appeals were made to it from *theory*, by that numerous class, who are accustomed to judge of the wisdom of a measure exclusively by the event. Among these Mr. Brougham's appearance will excite surprise. He candidly owned that he had once been of opinion that a paper payable in gold by law, on demand, could never exist in excess, and that "experience alone had shaken his firm belief in this theory‡." We think that it would have been more to the credit of Mr. Brougham's wisdom, had he remained silent on a subject which it is evident that he had not studied. It is not by merely glancing at the surface of the subject, and making himself acquainted with one or two of the more obvious facts, that a man becomes entitled to say what is or is not *experience*.

Among the speeches, the most deserving of attention, in many points of view, were those of Mr. Baring; and to these alone

we shall further advert. We have not room for an examination of the numerous theories which that honourable gentleman let fall while vituperating theory. But there is one of his theories—his darling theory—the theory so dear to him, that he could scarcely open his lips without pronouncing it, which must be noticed; the theory of a *double standard*.

At present, gold alone is by law a legal tender to any amount exceeding forty shillings, and is therefore the sole regulator of the value of our currency. Mr. Baring's theory was, that it would be a great improvement to make silver a legal tender also. Now, the reasons against this are cogent and obvious. If both metals were made a legal tender, they must be made so in a fixed ratio; say twenty shillings, to pay a debt of one sovereign. But the relative value of the two metals in the market is liable to variation; and, in point of fact, does vary not unfrequently. As soon as this happened, it would become the interest of all debtors to pay their debts in the metal which had relatively fallen. Not only, therefore, would the currency vary in its value with the fluctuations of two metals, instead of those only of one; but whenever one of the two metals became the standard, the whole of the other metal in circulation would be immediately melted.

Though we commonly object to the introduction of figures into a question of political economy, as in general raising more difficulties than it solves, in this instance we think that figures will render our meaning more intelligible. Let us suppose that a sovereign, and twenty shillings, are both of them made legal tender for a debt of one pound; and that this proportion accurately corresponds with the present value of both metals in the bullion market: the quantity of gold in the sovereign, and of silver in the twenty shillings, being severally worth in that market one pound. Let us now suppose that from a falling off in the supply of gold, or an increase in the supply of silver, from the mines, the quantity of gold in a sovereign becomes worth 21s. in silver, or the quantity of silver in twenty shillings becomes worth only 19s. in gold. In the first case, a speculator procures a sovereign with 20s., melts it, and sells it for 21s. In the other, with his 19s. in gold he buys silver bullion, has it coined into 20s. at the mint; and by this addi-

\* *Ante*, pp. 225-6.

† —, p. 227.

‡ —, p. 228.



tion to the currency, raises, among other prices, the price of gold bullion to 21s. when he procures a sovereign for 20s. melts it, and sells it for 21s.

Two evils are thus produced by a double standard: in the first place, double fluctuations; and secondly,—whenever, by a change in the relative values of the metals, one of them becomes the standard instead of the other,—the loss to the nation of the expence of coinage on half the coins in circulation.

Not only did Mr. Baring overlook these arguments, fully and repeatedly as they have been stated in almost all the writings on the subject, but he found, with one exception, nobody to remind him of them\*. What is more, he found several members, and among others Mr. Huskisson†, to express something more than a half assent to the proposition. Mr. Peel also gave a modified assent to it, but with the following sensible reservation:—“It would be necessary to accompany it with a measure to guard against fluctuations in the price of silver, so that if there should be an increase in the quantity of silver, the man who had contracted obligations in gold should not be allowed to discharge them in silver‡.”—No doubt the measure would be harmless with this condition, for it would be nugatory. Where would be the advantage to the debtor of being allowed to pay in silver, if he were obliged to pay it at the same rate, at which he might purchase gold with it, and pay in gold?

It is curious, that every one of Mr. Baring's arguments for two standards, were arguments only for making silver the standard in preference to gold. Such were, the greater facility of obtaining it in the requisite quantities; its being the standard of other countries, which rendered it impossible, unless it were ours also, to have a perfectly accurate par of exchange; the less liability of its value than of the value of gold, to be raised or

lowered by the operations of speculators, &c. &c. All these circumstances may deserve ample consideration, regarded as reasons for making silver the standard, instead of gold; but they certainly are no reasons for having more standards than one.

A discussion of some interest took place in parliament, upon a proposition for authorizing the issue of several millions of exchequer bills to relieve the immediate distress. Ministers refused their assent to this proposition, but, in lieu of it prevailed upon the Bank to make advances to the extent of three millions upon the security of goods.

The propriety of this course appears unquestionable: yet, strange to say, scarcely any part of their conduct excited so much reproach. The practical men not only gave them no thanks for what they did, but would not cease urging them to do what they had refused to do; and ministers were bitterly inveighed against, for unfeelingly suffering such a depth of distress to continue unassuaged, merely because they would not deviate from a general principle, which was not applicable to such extreme cases. Of those from whom this lachrymation proceeded, there was not one who seemed capable of seeing that an advance by the Bank afforded all the relief which an issue of Exchequer bills could afford; probably much more than it would.

Two evils were expected to be remedied by this measure: first, the depression of prices, owing to the contraction of the currency by the immense destruction of mercantile and country paper; and, secondly, the difficulty, or rather the utter impossibility, of obtaining loans, except at extravagant interest. Both these evils were materially mitigated by the advances of the Bank. By these advances, three millions were added to the currency, and three millions were added to the loans. By the issue of exchequer bills, very little would have been added to either. Exchequer bills do not, except to a very limited extent, circulate as currency; and for this reason, neither could they have been of any use as a loan, to the merchant who received them, unless they were first cashed. If cashed by the Bank, they would have operated in the same manner precisely, as the Bank advances upon goods under Government guarantee. If cashed elsewhere, they would not have

\* Sir Henry Parnell was this exception. He said a few words (p. 236) which were characterized, like most of that gentleman's observations, by good sense; but he did not enter at any length into the subject. He said enough, however, to prove that he understood it. On questions of this kind he is generally better informed than almost any other person in the house.

† *Ante*, p. 202.

‡ —, p. 214.



added to the aggregate of loans, but would merely have enabled the holder to borrow money, which otherwise would probably have been lent to some one else. If the measure, therefore, had averted bankruptcy from one individual, it would only be by bringing it upon another. To a certain extent, indeed, it might have drawn out funds, which would not have been lent upon any inferior security; and so far, but no farther, it would have afforded relief. But the advances of the Bank, by immediately superadding the whole of their own amount, to the funds which were already seeking an investment in the money-market, did at once, and to the full extent, what, to a certain extent, the other measure might *possibly* have done.

Yet this measure the practical men pronounced to be nugatory, while their hearts were exclusively set upon the other. One reason they had for this preference; and a curious specimen it was, of the empiricism of the mere practical men, in every thing which they say and do in public matters, and which they call, following experience. The issue of exchequer bills had been tried in 1793, and had succeeded! while the Bank advances had never been tried before! There are few quacks, in tolerable practice, who cannot produce hundreds of instances in which their nostrum has been taken, and in which, afterwards, the patient has recovered. The practical men could produce only one such instance: and even to that, there were objections, to which newspaper cases in general are not liable: for patients, we know, do not always recover, even when the doctor is dismissed; but a commercial crisis *must* abate, some time or other: and if it begins to do so just after the exchequer bills have been administered, people are sure to suppose that had it not been for the drug, it would have continued till doomsday.

Hear how a practical man can rail against theory while in the act of theorizing, and theorizing, too, upon a single instance.

*Mr. Bright:* "What did Mr. Pitt do on that occasion? He issued exchequer bills, and the distress of the country was cured, not only without loss, but with benefit to the state. Why should we now adopt new expedients? Why not profit by the experience and the wisdom of our ancestors? He was no speculatist, no theorist, and disliked the fashionable philosophy of the day, and he asked the country to adopt the wise course of Mr. Pitt\*."

Mr. Tierney made a speech, which, as usual, was full of wit, and pleasantry, and point, but somewhat barren of ideas. The only thing particularly remarkable in it, was the principle of morality by which he professed to be guided in his public conduct: "He approved of the issue of Exchequer bills in 1793. On that occasion he was not in Parliament; but had he been, he would in all probability, like a good soldier, have fought under the banners of his party, and he believed they opposed it: but the measure was sound and good\*."

We commend Mr. Tierney for his frankness; and shall know, hereafter, for what degree of sincerity to give him credit, when he declares to the House, on party questions, that the salvation of the country depends upon its following his advice. We are greatly edified by the notion which he entertains of the duty of a public man. It consists, he says, in in being "a good soldier." Permit us to ask, whose soldier? Not that of the people; for *their* interest is indissolubly linked with every thing that is open, and honest, and sincere. Of whom, then, is he the soldier? We need not go very far for an answer.

The Usury Laws also produced something of a debate. Our sentiments on this subject, having been fully declared in our preceding volume, need not be repeated here. The baneful operation of these laws during the panic having done much to strengthen and spread the opinion of their badness, it was to be expected that the country gentlemen would, in defending them this session, exhibit marks of peculiar irritation. Such marks they accordingly did exhibit; and poured out the vials of their wrath to the very dregs, upon the unfortunate proposer, and upon all who were of his opinion.

Mr. Davenport "called upon Government to take a part in stopping the eagerness for introducing such bills." Mr. Bright, who richly deserves to have been born a country gentleman, "was glad that the bill was thus early opposed. It was essential that the country gentlemen should not be year after year agitated in their minds, and more particularly at a time when they ought to be kept at ease. He condemned in the strongest manner the re-introduction of such a bill as that now submitted for their consideration,

\* *Ante*, p. 256.

\* *Ante*, p. 259.



"it could be productive of no good, and would disturb existing arrangements." On second thought, it occurs to us, that the above observations are ironical. The principal sentence is evidently a sly hit at the extreme sensitiveness of the country gentlemen in money matters, which he artfully represents as having risen to a disease in their minds, and complains that they are not treated with the tenderness due to valetudinarians. Mr. R. Gordon could not contain his indignation against Mr. Sykes, for merely expressing his surprise that the country gentlemen should think the Usury Laws injurious to them. "The landed interest did not stand in need of the suggestions of the honourable member. He condemned the honourable gentleman's avidity to assist the landed gentlemen with new theories; it would be better to allow the country gentlemen to take care of themselves; for surely they ought to be the judge of what suited their own affairs." Had Mr. Bright been in his merry mood when these observations were made, he would have remarked, in continuation of his former view of the subject, that the country gentlemen already began to demonstrate that instinctive aversion to their keepers, which persons in their unfortunate situation so generally display\*.

The only argument which was even named, against the repeal of the Usury Laws, was, that it would shake the security of mortgages; by which is meant that, if higher interest than 5 per cent were permitted to be taken, all mortgages would be called in, and 2 or 3 per cent additional interest immediately laid on. There is something so incredibly silly, as well as something so much worse than silly, in this language, that it deserves most particular notice. In the first place, it is scarcely credible that men should be found in the present day, to stand up and affirm what is here implied, that the lender is the person who fixes the rate of interest; and that too, with full experience before their eyes, that the lender cannot even keep the rate of interest from falling below the legal limit, to say nothing of rising above it. Nor do we believe that even the landlords would have committed so gross and so obvious a mistake, were it not for their inveterate habit of taking their opinions on all money matters from their attorneys;

to whom the Usury Laws, and the evasion of the Usury Laws, are the source of profit without end, and who, therefore, unanimously agree that those laws, and their evasion, are equally indispensable to the security of the social order. In the next place, suppose it true that these laws do keep down the rate of interest on mortgages below its natural rate: is there any set of men, save those who, like the country gentlemen, have so long been accustomed to make the interest of all other classes yield to theirs, that it appears to them almost a miracle to meet with resistance from any other class in the attempt,—is there any other set of men, who would have the assurance to say—We are dealers in corn, and we will therefore compel you to buy it of us at our own price; we are borrowers of money, and we will therefore compel you to lend it to us at our own rate; and all this, not on account of any service which we have done or intend to do you in return, but because we and our pockets are of such vast importance to the nation, and their being well filled so absolutely essential to the maintenance of the constitution and to the prosperity of the state, that no Englishman will grudge to contribute his share, in this or in any other way, towards filling them!

### *Corn Laws.*

THE proceedings of last session on this subject consist in the rejection of Mr. Whitmore's annual motion for a Committee of Inquiry, and the passing of two temporary bills; one for the liberation of bonded corn, at certain duties, and for a limited time; the other for enabling the Privy Council to admit 500,000 quarters of foreign wheat during the recess of Parliament, should such a measure be deemed expedient. *The system of our Corn Laws remains, of course, unaltered.*

In an essay on this subject, last year, we expressed our opinion of what ought to be done with the system. Treading in the footsteps, as nearly as our unequal strength enabled us, of many eminent pre-cursors, we concluded in favour of a gradual abolition of the present restrictions on the Corn Trade.

Session after session has passed away since this doctrine was first established; and we have still to ask why nothing has

\* *Ante*, pp. 319 to 321.



been done towards effecting what *ought* to have been done?

For this inaction there are numerous reasons. Of these, many were produced, in the course of the last session, by those who support the Corn Laws: some, however—and those the most efficient—were either faintly insinuated or suppressed. In those produced, the Corn Laws were defended on the basis of public good: it is hardly so gracious to put forward considerations of private interest as the ground of public measures; and the reasons suppressed were selfish.

In the following remarks, we shall investigate the force of the arguments alleged against a change in the Corn Laws, and endeavour to expose the reasons, to whose silent operation we chiefly ascribe the pertinacity with which a change is resisted.

This mode of treating the subject will present an opportunity for examining with greater detail than our space permitted in the preceding volume of this work, the principal topics advanced by the enemies of a free trade in corn. Considering the unhappy distaste of most men for systematic inquiry, such a service is hardly less essential than the exposition of the principles by which these topics must be judged. The test is furnished in vain, if the reader, through want of time or inclination, declines to use it: we must then apply it before his eyes, and invite attention by promising a relief from labour.

Against this advantage, it is true, we must set off the difficulty of examining a series of remarks having seldom any connexion, and being often at variance, with each other. From this circumstance, our remarks will assume a desultory air; and, from the necessity of resorting to a great variety of arguments, the analysis of each will be less perfect than it might, with more space and opportunity, be rendered. But we need not apologize for a defect inherent, not so much in the arguments we adduce, as in those to which we reply.

I. We begin with that class of topics which rest the defence of the Corn Laws on public grounds. These we may reduce within a tolerable degree of arrangement, by disregarding the order which they follow in the debates—the order in which they severally occurred to the minds

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of the individual speakers; and by distributing them as if they had been produced in systematic sequence. This arrangement, which is the most convenient for criticism, will set off the topics themselves to the best advantage.

If an advocate had been furnished with the several topics which occur in the debates of the last session, he would probably have presented them in somewhat of the following order.

He would have dwelt upon the impropriety of altering an existing system (the mere existence of a system, no doubt, presenting one reason against a change; for change is always bad *as change*, being always accompanied, more or less, by inconvenience and loss) upon the strength of an untried and extravagant theory—a theory supported by no facts, in the ordinary sense; and opposed to many. He would have shown, too, the peculiar impropriety of an alteration *now*—when circumstances were in existence which tended to disturb all calculations respecting the change proposed, and which ought, therefore, to be removed before any such change should be mooted. He would have pointed out those circumstances, if any, which made the particular case an exception to the rule upon which the change was recommended; and which might render the existence of the system necessary, even if productive of *some* mischief, in order to avoid *more*. He might then have proceeded to prove that the system was not chargeable, in fact, with the evils imputed to it; that it produced no evil at all; but was productive of positive advantage.

A series of such arguments would lose none of their effect from this arrangement; their probative force would be augmented. On this principle, therefore, we have arranged and shall analyse the arguments in question.

On examining the debates (to which reference will be duly made) it will appear,

1. That the leading objection to a reform in the Corn Laws, is (of course) a general denunciation of inquiry, by attaching the stigma of *theory* to every plan for amelioration; and particularly by “flinging *“dirt”* upon the odious theory of free trade.

2. Follows, in order, a deprecation of inquiry *now*; as well for the usual reasons, as on account of the unsettled condition of the currency.

Descending from these general fallacies,



to fallacies of a commercial order, it is first objected,

3. That the amount of English taxation is a bar to a free trade in grain with countries less heavily taxed:

4. That restrictions on this trade are rendered necessary by the peculiar taxes on land:

5. That it is necessary to secure a remunerating price to the agriculturist:

6. That the existing prohibition was not the cause of the late distress:

7. Further, that it can be the cause of no ill consequence at all:

8. That, on the contrary, it is productive of good, by its effect on prices—by preventing the fluctuations which it is commonly said to produce:

9. And, finally, by relieving us from a dependence on foreign nations for our supply of the first necessities of life.

1. *Reform denounced as theoretical—more especially a Reform on the Principle of Free Trade.*

In our remarks on this question last year, we began by setting forth a long array of those hackneyed fallacies by which the weak, the ignorant, or the designing, never fail to clog the course of discussion. These grovelling sophisms are strewn throughout the present debates with more than common profusion. The question concerning the Corn Trade is interesting, beyond all others, to that class whose minds are deeply imbued with antique opinions, and who, being usually incapable of brandishing the more subtle fallacies, are driven to adopt these coarser instruments of delusion. We thought it, therefore, expedient to remove these incumbrances once for all; and shall henceforth abstain, on their occurrence, from any thing but casual remark.

Of these sophisms, however, that which we have placed first in the foregoing list, and of which the whole virtue consists in nicknaming all inquiry as abstract speculation, and its results as abstract theory—is so frequent and potential: it comes recommended to so large a majority of mankind, by flattering either their ease or their ignorance; by persuading the uninformed that they are just as competent to decide on matters of science as those who have made them the subject of profound reflection; that we deem it worth repeated exposure. Whilst mankind re-

main ignorant as children, they can only be taught like children; and as they cannot be whipped out of their ignorance, they must be shamed out of it. More especially must we try to fix a mark of reprobation on those who encourage the rest in their perverseness, and do all in their power to prevent the diffusion of good sense.—Mr. Whitbread, in one of his Poor-Law bills, proposed to mark the *ill-disposed and disorderly* paupers with the letters C. P., for “Criminal Poor.” By the custom of some parishes, vagrants are branded with the letter V; and in one, we are told that certain paupers are condemned to wear a badge, on which is written, at full length, the inscription, “INFAMOUS LIAR.” To the best of our ability, we will mark the names of those political sophists—those *ill-disposed and disorderly* rhetoricians, who never weary with decrying the use of reason on those vital subjects, in which its application is more important to public happiness than in any other, or in all the other sciences together—with a note of similar reprobation. For this purpose, all that is wanting is to repeat, as often as they are uttered, the very words in which the fallacy is couched. We have accordingly selected a string of passages (without regard, as our custom is, to party or opinion), for the purpose of warning the public against the future attempts of their authors. All are not to be held up as equally guilty; all are not capable of the same degree of guilt. “The malignity of the devil himself” (to use a parliamentary expression) could never impart to the rough work of the under-mentioned baronets and county members half the mischief of the more finished performances of Mr. Baring and Lord Grey. But although the company of the latter cannot implicate the former in their criminality, the company of the former may serve to degrade the latter. Such society, if it cannot elevate, can depress; and although Mr. Irving, in spite of his present appearance in Mr. Baring’s company, is just as much Mr. Irving as before—Mr. Baring has gained no distinction from the alliance.

Sir Thomas Lethbridge began by animadverting on “the resolution of Government to follow up the principle of free trade, in the fullest practicable latitude. He confessed he doubted the propriety and wisdom of that resolu-



"tion, though he admitted that the doctrine was upheld by persons of great rank and exalted abilities on both sides of the house. If the constitution were in its infancy—if other nations surrounding us were about to begin their career along with us, and those principles were admitted and adopted generally—if matters could be so arranged that the nations could all begin *de novo*, and start upon equal terms,"—(if Sir Thomas Lethbridge had caught but one glimpse of the principle he condemns)—"then there could be no doubt as to the propriety of a free trade. But we were an ancient nation—our monarchy was one of the oldest in the world—our commercial system was closely connected with the frame-work of the civil government and constitution. He dreaded any formidable attempts at alteration, for fear that in touching the frame-work of society they might destroy the fences of the constitution\*."

Equally enlightened, and no less exempt from obscurity, are the remarks of another county member, Mr. Sumner.

"The principle of free trade," he tells us, "might do very well in commercial concerns, but it was a frightful and fearful doctrine to apply to the agricultural interests, of which it might probably occasion the absolute ruin. The same rules did not apply to agriculture and commerce. If any branch of trade was injured, there was a disposition in the country to embark its capital in commercial adventures, and the interests of trade would be retrieved. It was not so in agricultural concerns, which ought, therefore, to be more carefully protected and encouraged†."

We are further informed by Mr. Irving—a merchant, and the professed representative of merchants, that, as to the Corn Trade—

"The farmers were well satisfied with the law as it stood: it had worked well for them and for the country. The Corn Laws might not, indeed, square with the present fashionable system of political philosophy—they might not accord with the fanciful theories of the metaphysicians and reviewers of Edinburgh (hear, hear); but, as a plain practical man, he could not help rejoicing in the continuance of a system which had benefited one class without doing injury to another (hear, hear)‡."

We are next saluted with the deep mouthed rhetoric of Earl Grey:—

"Ministers," he said, "had been latterly en-

gaged in making many alterations in our commercial system, in order to increase our means of prosperity. He confessed, that as far as his judgment went, the more he saw of the new principles, the less he liked them (hear, hear). He would not attempt to dispute the pretensions of the teachers of political economy; because, in all humility, it became him to acknowledge that their doctrines were in many instances quite above his comprehension. *The theory indeed was so perfect, that no sufficient objection could be stated to it in argument*; but it generally happened that some little circumstance or other occurred in practice which overturned all theoretical calculation, and ended by producing some great national calamity\*."

Lastly, we have two mortal columns from Mr. Baring, in which from the orderly disposition of the words "currency—banking system—free trade—absenteeism," and other phrases of an economical aspect, coupled with abusive epithets against all sorts of theories and theorists, we presume that a general attack was intended upon the application of the thinking faculty to that branch of political science. We select the following extract:—

"For the science of political economy he entertained a due respect: . . . but gentlemen who had read the books of the political economists, could not fail to know how widely they differed even upon first principles. Instead of their demonstrations being gifted with any thing like mathematical certainty, no two of them drew the same inference from the same promises. *It was a notorious fact, that there were scarcely any two writers on the question of the Corn Laws, who did not differ radically from each other on the most material and important points.* When this difficulty was obviated, and when the learned professors . . . should have established the perfection of political truth, he would admit the force of all their conclusions; but until that consummation should take place,—until the theorists should cease to abuse each other as the greatest of dunces and fools, for not drawing the same conclusions from the same facts, he should consult, before he legislated, the more humble practical man, who looked at the effect, whilst they were calculating upon the cause, and who told them that a thing was not so, when they proved by direct ratiocination that it must be so†."

These are members of the Imperial Parliament. Before proceeding to criticise their speeches, into this worshipful society we beg leave to introduce another guest—a humbler individual, it is true, but one of the same practical order—to wit, Mr. Robert Roe, Secretary to the Chamber of Commerce at Dublin.

In the course of the examinations be-

\* *Ante*, p. 382.

† *Ante*, p. 409: Speech on the Silk Trade.

• *Ante*, p. 29. † *Ante*, p. 336. ‡ *Ante*, p. 365.



fore the committee on the Irish butter-trade, Mr. Roe delivered himself thus:

"Is it your opinion that regulations ever so well framed can be effectually enforced, so as to secure that regularity in the discharge of duty, as to make it at all times satisfactory to the dealers in butter?"

"I am of opinion that no theoretic regulations, no matter how judiciously framed, can secure the practical observance of them."

"What is a theoretic regulation?"

"A regulation under act of parliament\*."

The meaning of all these quotations is precisely the same. The merit of brevity must undoubtedly remain with Mr. Roe, who has expressed in a short sentence what the noble and honourable persons have spun out into many—the fallaciousness "of all theoretic regulations, no matter how judiciously framed:" but the sense is one, and the merit of intention equal.

The fact is, that none of these gentlemen who deal so largely in abuse of economical theories, are acquainted with the principles they vituperate. What, therefore, is the nature of their motive for depreciating the importance of that knowledge—a knowledge which so nearly concerns their pecuniary and political interests—may be understood without exposition. Unhappily, all those who are not in possession of this knowledge, have the same motive to join in decrying it. By such conduct, they bring within their own competency a class of subjects for the decision of which they are wholly unqualified; and so enjoy the dignity of judges without having undergone the trouble of learning the law.

With the absurdities of the professedly ignorant, we have nothing to do. Sir Thomas Lethbridge and Mr. Irving may enjoy the cheers of their admirers without any interruption from us.

It is, however, important to note the extravagant passage selected from the speech of Lord Grey:—"The theory," he tells us—(including the principles upon which a free trade in corn is demanded)—"is so perfect, that no sufficient objection can be stated against it in argument"—(in other words, the theory is true):—

"But it generally happens that some little circumstance or other occurs in practice which overturns all theoretical calculation, and ends by producing some great national calamity"—(in other words, the theory is false).

It is true that the passage in question is worded with such happy ambiguity, that it may be made to bear another, though equally inept interpretation. "The little practical circumstances," it may be said, are not peculiar to *this*, but to all theoretical calculations in political affairs:—the identical proposition of Mr. Roe. That being granted, upon what principle does Lord Grey undertake to intermeddle in political affairs?—and if one plan is as good as another,—that is, if none are good for any thing, upon what ground does he undertake to censure the measures of Lord Liverpool?

Amongst a certain class, Earl Grey has acquired the reputation of a practical statesman: whatever that phrase may designate, we confess the badness of his logic throws a strong suspicion on his practical skill.

Mr. Baring has long been known in the House of Commons as "a great practical authority," and as a constant and able advocate of those doctrines of political economy, with which the educated men of his age had become familiar by the perusal of the *Wealth of Nations*. These qualifications, engrafted on a liberal turn of mind in politics, were the foundation of that degree of eminence which Mr. Baring has enjoyed. Those, however, whose eyes were fixed on the proceedings of Parliament, observed a gradual alteration in Mr. Baring's language and opinions, from the time of the late Mr. Ricardo's appearance in the House of Commons. The reputation of the new member, which threw the old authorities into the shade, wrought a marvellous change in Mr. Baring,—a change which first appeared in the captious objections which he advanced, on every occasion, against the modern economists, and which afterwards extended to some of his own previous opinions. This disposition, which displayed itself in the speech from which the present passage is extracted, in a tone of peculiar irritation, appears at length to have run into a general dislike of all the doctrines which bear the stamp of Mr. Ricardo's genius, or were sanctioned by his approval. For this backslid-

\* Report on the Butter Trade of Ireland, (*Parl. Paper*, 1826, *Commons*, No. 406), p. 153.



ing from his former principles, Mr. Baring received, in the last session of Parliament, a severe, but temperate rebuke, from Mr. Huskisson, in his speech on the Silk Trade; a rebuke which its author justified by quotations from Mr. Baring's former speeches—as we could justify our present observations, were it necessary, from the same source. This rebuke, however, failed in its effect; for the speech in which he gave loose to the bitterest expressions of dislike against Mr. Ricardo's principles, was delivered on the succeeding evening.

Such being the state of Mr. Baring's temper, we refrain from exposing the tissue of fallacies interwoven in his speech; and shall merely deal with his strange assertion respecting the state of opinion on the question of the Corn Laws.

"It is a notorious fact," he says, "that there are scarcely two writers on the question of the Corn Laws, who do not differ radically from each other on the most material and important points."

We have said that the persons who most loudly abuse the economists are least acquainted with their doctrines. Lord Grey confesses his ignorance, and imputes it, too modestly, to his incapacity for such inquiries. Mr. Baring makes no confession; but language so inconsistent with a knowledge of the later works on political economy, is more decisive than any confession. Where are the names which can be set in array against those of all the French economists, of Smith, of Ricardo, of Mill, of Huskisson, of Tooke, of Torrens, of M'Culloch, to show that the economical writers are divided on the question of a free trade in corn?—or what are the "material and important points" which "radically" distinguish those writers in their views of the question?—"I am more and more distrustful," says Mr. Huskisson, "of those practical authorities"—and if this be a specimen of Mr. Baring's practical knowledge, we know of no case which more thoroughly deserves the sarcasm.†

\* *Ibid.*, p. 398.

† It is not a little remarkable that the same unanimity which prevails amongst the leading economists, is to be found in the three principal Quarterly Reviews—the Edinburgh, the Quarterly, and the Westminster. An Essay on the Corn Laws, in the last number of the Quarterly Review, (No. lxix.) affords a singular proof of the advance of sound knowledge on these subjects.

Then mark what it is by which the two sets of inquirers—the theoretical and the practical, are distinguished: observe the grand arcanum of the practical process, for investigating truth—the hinge on which their system turns. It is that, whilst the theorists "are calculating upon causes," the men of practice "are looking at effects." Causes and effects! As if the knowledge of an effect could subserve any useful purpose without a knowledge of its cause! As if science were any thing but the knowledge of causes! When a man takes arms against reason, there is no path which is not full of pitfalls, and no clue by which he can avoid them.

If they who are guilty of this sophistry deserve exemplary blame, it must be useful to hold up to commendation the conduct of those who disavow it. With this view, it is just to refer the reader (strange as it may seem to see reason, for once, on the side of power) to Mr. Huskisson's speeches on the Silk Trade and the Navigation Laws,—to that of Mr. Canning on the former subject, and to the Chancellor of the Exchequer's speech on the Budget. In proportion to the liberality of their views are the attacks directed against them; and in proportion to the virulence of such attacks, are their claims to public approbation.

## 2. *Unfitness of the Present Time—more particularly on account of the unsettled state of the Currency.*

In the course of the debate, exhortations were, of course, not wanting to delay the question. Next to getting rid of an inconvenient subject altogether, the best thing is to put off discussion. So much of the reasons for delay as were grounded on the common fallacy of the impropriety of the time present,—either because the landed interest were but just recovered from the shock of 1820-3; or because they were not yet recovered; or because, so far from being recovered, they were still writhing under the effects of that disaster; or, (to take an opposite line of discussion,) because, whilst all other classes were suffering, they alone were prosperous, and growing in prosperity—for all these topics were adduced as reasons against inquiry now, (by now, meaning never)—we totally omit.

Of these exhortations, however, although all are insufficient, there is one at



least which is not sophistical; and that one derives some importance from the assent it has met with on both sides—from the reputation of the individual by whom it was most prominently urged, and from the general confusion which prevails with respect to the great question which gave rise to it.

In the debate on the Address, Sir Thomas Lethbridge first observed,—and the opinion was unanimously entertained by the landed gentlemen, that “it was clearly improper to bring forward the question of the Corn Laws at a time when the attention of Parliament was likely to be taken up with an important alteration in the currency\*.”

The same objection was afterwards put forward by Lord Grey as a leading and decisive argument:—

“I know,” he says, “there are weighty reasons for declining now to discuss the question of the Corn Laws; and besides the reasons which the noble earl (Liverpool) has given, there is one which he has not mentioned—namely, the state of the currency; for admitting, as he does, the necessity of imposing some duty on foreign corn, it is right, at least, that we should know the value of the currency in which that duty is to be estimated. *This alone is a good reason for putting off the discussion†.*”

So much on the part of the landed interest. On a subsequent occasion, however, we find that Mr. Ellice from Coventry, and Mr. Monck, from Reading, “fully agreed in the propriety of postponing the consideration of the Corn Laws. Until the operation of our late measures with respect to the currency was seen, legislating upon the Corn Laws would only be legislating in the dark‡.”

The whole of this objection rests on the probability of a fall in the nominal price of commodities; or, in other words, a rise in the value of the circulating medium, in consequence of the expected operation of the Promissory Notes’ bill. Thus if, in revising the Corn Laws, it should be thought proper to admit foreign grain on the payment of a fixed duty—the case supposed by Lord Grey; or when the price in the home market should have reached a given amount, as under the present system; it is plain, if the duty or the price should be fixed in a standard

obnoxious to immediate variation from the effect of an impending measure, that “such legislating would only be legislating in the dark.” To fix a duty at 10s. the quarter, when the proportion of the currency to commodities is twice as great as it will be in half a year from the appointment of the duty, is, in fact, at the expiration of half a year, to fix it, not at 10s., but at 20s.

To the argument, drawn from this objection, two answers may be given:—first, that although a change in the currency may affect prices estimated in paper, they may be estimated in a medium which is exempt from all arbitrary changes—namely, in gold: next, that in the particular instance, no change was contemplated which could affect prices at all, either estimated in gold or paper. For the proof of the latter proposition, which involves the whole question of the currency, we must refer to what we have written on that subject. The former is a sufficient answer to the objection, and carries its own demonstration with it. To avoid the evils which might accompany a fluctuation in the value of money, it would only be necessary to provide a shifting scale of duties or prices, which should vary with the price of gold.

It is well known, that, during the Bank Restriction Act, the pound note, from an over-issue of inconvertible paper, suffered a depreciation of  $\frac{1}{4}$  of its value; exchanging, in gold, for 15, instead of 20 shillings. If, before the repeal of that act, an importation duty on foreign corn had been fixed at 10s. the quarter, to continue at the same rate after the return to payments in cash, it is plain that under the same figures two rates of duty would have been imposed; the one, during the existence of the act, amounting to no more than 7s. 6d. in gold, the other, after its repeal, amounting to 10s. To avoid this difficulty, however, we need not put ingenuity to the rack. We have only to note the difference in the value of gold and paper. If it be meant to impose the duty of 10s., value in gold, it may be expressed that when the paper is at a discount of 25 per cent. the duty shall be 13s. 4d. the quarter, gradually descending as paper should rise in value, and fixing at 10s. when gold and paper should be at par.

This expedient, it is true, supposes the value of gold to be exempt from those causes of variation, which affect paper.

\* *Ante*, p. 28.

† *Ante*, p. 343.

‡ *Ante*, p. 378.



vertible, and, according to great parliamentary majorities, convertible paper also. This opinion may be liable to great objections; but it seems, during the long debates on the currency, that no man ever hinted a doubt of the uniformity in the value of gold. In exposing a bad argument, it is no duty of our's to reconcile conflicting opinions; and so long as Lord Grey admits the uniformity in the value of gold, the reasoning we have advanced will stand good, whatever he may think about the variations in convertible paper.

We may here leave the reader to decide upon the *goodness* of an "uncertain state" of the currency, as a reason for postponing the discussion of the Corn Laws. Mr. Hume is scarcely correct in affirming, that between the Currency and the Corn Laws "there is no connexion whatever;" but he is assuredly correct in affirming, that "the Corn Laws are no more a part" of the Currency question than the East India Company's monopoly\*.

Abandoning these barren generalities, we proceed to examine the more tangible objections,—objections immediately derived from commercial or political considerations.

The first of these arguments may be stated in the following terms:—

3. *The amount of English Taxation is a bar to a Free Trade in Grain with countries less heavily taxed:—*

Or, to use the words of Mr. Calcraft, "It is quite impossible to have a low price of corn with a taxation of sixty millions a-year."

Great was the cheering with which this proposition was received,—cheering duly measured, according to the customary proportion between the falsehood or insignificance of an argument and the applause awarded.

Encouraged by the success of his theory, Mr. Calcraft repeats it thus:—

"He was an advocate for a *free trade* in corn,—that was, with a protecting duty. Any other species of free trade would be impossible in this country, on account of the sixty-three millions of taxes to which it was liable†."

Mr. Calcraft's proposition may be construed in two ways. It may be construed to mean, 1. That without a re-

straint on the importation of corn, the present sum of taxes could not be raised; or, 2. That they could not be raised without inflicting peculiar hardship on the agricultural classes.

Before examining these assertions, we shall lay before the reader an account of the items of which the present taxes are composed:—

Net Ordinary Revenues of Great Britain and Ireland for the Year ending January 5, 1826.  
—(See *Finance Accounts for that Year*, *Parl. Paper*, No. 192, pp. 10, 78, 82, 86).

|                                                                    |                  |
|--------------------------------------------------------------------|------------------|
| Customs .....                                                      | £18,943,257      |
| Excise.....                                                        | 22,316,853       |
| Stamps.....                                                        | 7,623,742        |
| Taxes, under the Management of the Commissioners of Taxes.....     | 5,176,722        |
| Post Office—Tax on Pensions & Salaries—Hackney Coaches, &c. &c.... | 3,282,398        |
| Add Shillings and Pence..                                          | 5 5 6½           |
| Total.....                                                         | £57,374,977 5 6½ |

Items of the head *Stamps*, in the general Account for Great Britain and Ireland.

|                                                                                                                        |                 |
|------------------------------------------------------------------------------------------------------------------------|-----------------|
| Deeds, Law Proceedings, and other written Instruments, (except Legacy Receipts, Probates, Bills of Exchange, &c.)..... | £2,399,484      |
| Legacies.....                                                                                                          | 1,083,351       |
| Probates, Administrations, &c.                                                                                         | 859,005         |
| Bills of Exchange, and Promissory Notes.....                                                                           | 852,984         |
| Receipts.....                                                                                                          | 228,096         |
| Advertisements.....                                                                                                    | 177,913         |
| Fire Insurances.....                                                                                                   | 692,005         |
| Miscellaneous, (Cards, Dice, Pamphlets), &c. &c. ....                                                                  | 1,330,887       |
| Add Shillings and Pence....                                                                                            | 17 0 6½         |
| Total.....                                                                                                             | £7,623,742 0 6½ |

Items of the head *Taxes*, in the general Account for Great Britain.

|                                       |                |
|---------------------------------------|----------------|
| LAND TAX ON LANDS AND TENEMENTS ..... | £1,236,695     |
| ASSESSED TAXES.                       |                |
| Windows.....                          | 1,255,587      |
| Inhabited Houses.....                 | 1,288,053      |
| Servants.....                         | 264,755        |
| Carriages.....                        | 300,965        |
| Horses for Riding .....               | 324,830        |
| Other Horses and Mules...             | 61,616         |
| Dogs.....                             | 180,633        |
| Horse Dealers.....                    | 16,001         |
| Hair Powder.....                      | 23,976         |
| Armorial Bearings.....                | 45,909         |
| Game Duties.....                      | 112,035        |
| Composition Duty.....                 | 30,843         |
| PENALTIES in Scotland, &c....         | 698            |
| PROPERTY DUTY .....                   | 4,032          |
| Add Shillings and Pence ....          | 4 8 2          |
| Total.....                            | £5,176,722 8 2 |

\* *Ante*, p. 19. † *Ante*, p. 323.

‡ *Ante*, p. 377.



Having perused these tables, the reader will find some difficulty in discovering how the sum of the present taxes would be diminished by a free importation of corn.

Of the four leading items—Customs, Excise, Stamps, and Taxes—the two first are exclusively taxes on capital or the profits of capital, *not* employed in agriculture: of the two last, some portions are levied on the rent of land, and on agricultural capital and profits,—the bulk, however, being levied on property unconnected with the land. The fifth item, including several miscellaneous heads, is also unconnected with the land.

Of the head *Stamps*, the only items which the landed interest contribute are printed in *italics*: their sum, together with the Assessed Taxes, will be found to amount to 10,228,101l.

It would, of course, be a vain endeavour to estimate the exact proportions in which this sum should be divided between the landed interest and the rest of the community. It is plain, however, that an equal division will be attributing much more to the share of the agriculturists than they really contribute.

An equal division, however, would give the sum of ..... £5,114,050  
Add the Land Tax ..... 1,236,695

Which makes the whole sum contributed by the landed interest ..... £6,350,745

It will hardly be contended that a free trade in corn would produce so great a depression in the trade of farming as to disable the landed interest from paying one half of their present taxes. Men have certainly prophesied the *destruction* of the agricultural interest from a repeal of the Corn Laws: such assertions are in the teeth of every fact and principle; they are not only without authority,—they are opposed to the most abundant evidence: but what men dread without reason, they are apt to believe without proof.

"It is quite impossible," then, "to have a low price of corn with a taxation of sixty millions a year;"—it can only be had with a taxation of *fifty-seven*.

Such is the potency of mere arithmetic in reducing these hyperbolical assertions to their proper dimensions—the virtue of figures of arithmetic when opposed to figures of speech.

But we shall not leave Mr. Calcraft in possession even of his pitiful three millions. Admitting that three millions would be lost by a fall in the price of agricultural produce, what are the considerations which tend to reconcile us to so grievous a defalcation?

We shall not dwell on the consolatory effects of a low price of food, on the scale of allowance to the poor—effects which might probably enable both the landlord and the clergyman to persist in many of their usual indulgences, from which Government extracts at present, we fear, an insufficient tax. We trust the diminution would be small in the tax for their servants and carriages—small in that on their "horses for riding,"—small also in that on their "other horses and mules." If hair-powder be essential to the being of a clerk, a coat of arms is not less so to an esquire: and as to game-duties and dogs, let no man fear to see the day when the Exchequer shall suffer one penny in that item of national revenue.

Not to dwell, however, on this topic, is it likely that the stimulus imparted to manufactures and trade by a rise in the profits of capital, which must accompany a free trade in corn, would not swell the great items of Customs and Excise—the sources of more than two-thirds of our annual revenue—by an amount far exceeding any possible defalcation in the tawdry taxes collected from the landed interest? The real effect of such a measure would be exactly the reverse of that supposed by Mr. Calcraft. Such a measure would increase the national income, and therefore it would increase the taxes drawn from that income: by increasing the income, it would increase the power of accumulation; and therefore it would increase the taxes drawn from capital. It would diminish, in a small degree, the productiveness of taxes on agricultural revenue and capital; but it is impossible to doubt for a moment that it would greatly add to the productive power of the nation\*.

\* "The agriculturists," says Mr. Whitman, "insist upon the necessity of high prices on account of high taxation. The national debt is constantly their theme, as a justification of the Corn Laws, when the *in* policy of the system is demonstrated; but surely they can hardly have considered the rationale of their own argument. All general taxation must be borne by the nation at large; no individual can escape from it; it mingles, in some form



So much for the first construction of Mr. Calcraft's proposition. For the second—namely, "that in the event of a free trade in corn, the present amount of taxes could not be raised without inflicting peculiar hardship on the agricultural classes,"—a few words will suffice.

Taxes are *peculiarly* injurious, even in the first instance, to those only upon whose income or capital they are raised, or to those whose occupation requires the use of certain articles (as raw produce is required by manufacturers) on which taxes are levied.

To establish this construction of Mr. Calcraft's proposition, it would be necessary to shew that a free trade in corn would cause some of those taxes which are now paid by other classes, to be paid by the landed interest. Now, first, the taxes would continue to be raised on the same incomes and capitals as at present; and, secondly, the landed interest would certainly require no greater quantity of materials taxed in other hands, than they require at present. The proposition will not bear inquiry.

Is it, however, possible that, under cover of a magnificent phrase, the speaker may have concealed the very simple idea that, as agricultural incomes and capitals would be diminished by a free trade in corn, *they* (and not the national stock) would no longer be able to contribute their present quota to "the sixty millions?"—and further, that under such circumstances it would be unjust to levy the same amount of taxes on the land, which it yields at present?

We readily admit the proposition that no peculiar tax should be permitted to fall on the land, from any change in the Corn Laws. We advocate equality of taxation. It is one of the great objections to the Corn Laws, that they operate as an unequal tax. "In general," says Voltaire, "the art of Government consists in taking as much money as possible from the many, to give it to the few." This

or other, with the food we eat, the clothes we wear, and almost the air we breathe, in its various direct and indirect shapes. Some of our imposts are, it is true, local and partial; but the remainder of our taxation—the great bulk of it—can never be fairly pleaded as a reason for protection to any one interest, because borne by all."—*Letter to the Electors of Bridgenorth*, p. 25.

Sess. 1826.

is the picture of the Corn Laws. What they give to the landlords, is taken from all who are not landlords. On the other hand, a peculiar tax on the soil would be to take from the landlords and to give to the rest of the community. In either case there is a common word for this process, which those who apply it so freely to the plan for commuting tithes, have never applied to the Corn Laws: we mean *spoliation*.

What the taxes are (and none of them will be found among the "sixty millions") which fall peculiarly on the soil, we shall examine in developing the following fallacy:—

#### 4. *That restrictions on the Corn Trade are rendered necessary by the peculiar taxes on the land.*

This argument is so plausible and popular, and the more so from being not wholly false, that we want no excuse for submitting it to the fullest examination which our narrow limits will allow.

The following are specimens of the language in which the argument is conveyed.

Mr. Benett is reported to have said,

"That if the protection which the land had enjoyed was not continued, not only would the manufacturers find no market for their goods, but it would be impossible that the most important taxes of the state could be paid. It was by the land that the interest of the debt was paid—the church supported—the poor maintained—and the power of the laws, by which the manufacturing interests as much as any others were upheld, was kept in its due force. It was the great bank upon which every thing was drawn for. In one point of view, indeed, it might be advantageous to do away with the Corn Laws, because the certain result of that measure would be to get rid of all the taxes together by destroying the only means of paying them \*."

We find, also, Lord Lauderdale contending—

"That the landed interest was subjected to peculiar burdens to a great extent. The land-tax, called 4s. in the pound, in fact amounted to about 10 per cent on the value of the rent. Did the silk manufacturers, who had obtained a protection of 30 per cent, labour under any such burden as this? The poor-rates and tithes taken together amounted to about 33 per cent on the value of the rent. This was not all; the landed interest were obliged to furnish the means of forming roads, bridges, &c. and to indemnify the owners of property for all losses

\* *Ante*, p. 321.



occasioned by the riotous proceedings of distressed manufacturers. . . . The landed interest was subjected to exclusive taxation amounting to more than 50 per cent on the value of the rent. It was under these circumstances that the present measures were brought forward, and discussions elicited which were more mischievous even than the measures themselves\*."

For similar declarations, see *ante*, p. 325, (Lord John Russell and Mr. Heathcote); p. 336 (Mr. H. Sumner); p. 367 (Earl of Malmesbury), *cum multis aliis*.

Mr. Benett's opinion that the interest of the debt, and, in fact, "all the taxes together," are defrayed by the occupiers of land, is, in substance, the same fallacy as the last, and needs no separate answer. The present proposition asserts, that the land-tax, the tithe, the poor-rate, the county, and other local rates, are exclusive charges on the land, which must be met by a prohibition of foreign corn, or a duty so high as to amount, in fact, to a prohibition.

To understand this question, we must first understand the policy of countervailing duties.

We are told by those who advocate the theory of free trade, that the several countries of the earth have various capacities for the production of different commodities. It is a principal object in production, to produce with given quantities of labour, the *greatest* quantity of commodities; it is, therefore, expedient for every country to apply its industry to whatever species of production may yield the largest returns. Other articles may be purchased from those countries which are endowed with superior facilities for producing them. The advantage of this proceeding is like that which determines a shoe-maker to confine himself to the manufacture of shoes, and to purchase his clothes of the tailor. He obtains his clothes at a cheaper rate, and most commonly of a better pattern and quality.

Whatever, therefore, prevents a country from addicting itself to those branches of production to which it is peculiarly adapted, is, if an act of Government, an impolitic restraint. But to impose a tax on a commodity, is such a hindrance to its being produced at home, by adding to the cost of producing it, that, if it can be produced elsewhere at a smaller cost, the foreign will in time supersede the use of

the domestic article; and thus, by an act of Government, industry may be wrongfully diverted from one of its most prolific occupations. To prevent so injurious a result, it is necessary, when a tax is levied on an object of domestic production, to impose a countervailing duty on the importation of such objects from abroad: by equalizing the price of both commodities, they will continue to meet in the home market on precisely the same terms as before the tax was imposed.

It is scarcely necessary, for our present purpose, to remark, that if the commodity be an object of exportation, the countervailing duty must be accompanied by a bounty, or more properly a drawback of the same amount. The duty protects the domestic article in the home market; the bounty, in the foreign market: the duty, by raising the price of the foreign commodity at home; the bounty, by lowering the price of the domestic commodity abroad.

This precaution is no less necessary with respect to corn than to any other commodity. If, therefore, the land-tax, the tithe, and the local rates, be taxes on the production of corn, it is undoubtedly necessary that a countervailing duty should be imposed on the importation of foreign grain.

Owing, however, to that defect in the productive powers of the soil, with which the reader is familiar as the cause of rent, a tax on the land, as it is vaguely called, may fall in two different directions; it may fall upon the consumer of corn, by adding to the cost of its production, or it may fall upon the rent of land. If it operate in the first of these modes, it must be met by a countervailing duty, to prevent an improper discouragement to the employment of capital in one of its most lucrative channels; if it operate as a tax on rent, no such discouragement will be experienced, and no such duty required. No such discouragement will be experienced, because, in order to attract the foreign article to the home market, the cost of producing the domestic article, and thence its price, must rise. The price of corn, as we explained last year (for the thousandth time indeed—but there can be no end to explanation, except the end of ignorance), is regulated altogether by the cost of growing it on that land which pays no rent. A tax on rent, therefore, can have

\* *Ante*, p. 351.



no effect on the price of corn; it cannot operate as a discouragement to its production, and, by consequence, needs not to be accompanied by a countervailing duty.

If a duty on foreign corn be necessary in the case of a tax on the production of British grain, in order that the course of industry may not be turned from its natural and more prolific channel, it is also necessary for another and a peculiar reason. It is necessary in order to preserve the equality of taxation; in order that the tax may not be shifted from the consumer of corn and fixed upon the owner of land.

If a tax of 10 per cent be levied on the production of corn, and a similar duty on its importation, the consequence will be a rise in price, equivalent to the tax. Under these circumstances the rent of land will remain unaltered, otherwise than as the rise in the price may lead to a more sparing use of agricultural produce, and so contract the sphere of cultivation. But if a tax be imposed without a duty, it will be impossible for the farmers who cultivate those inferior lands, by whose productiveness the price of corn is regulated, to obtain the requisite profit on their capitals. Every farmer who cannot afford to sell at the old prices, in spite of the tax—who cannot, in fact, afford to sell 10 per cent *cheaper* than before—must abandon his employment: for the foreign grower will undersell him to that extent. None, however, can afford to sell at the old prices, except those who formerly paid a *rent* to the amount of the tax. All the rest must quit their occupations, which will, of course, be thrown out of cultivation; whereupon the land which before paid a rent of the same amount as the tax, will continue to pay the tax, but will yield the rent no longer; the destruction of this rent will be followed by a proportionate diminution in all rents of larger amount: in other words, the tax of 10 per cent will cease to be levied on the consumer of corn, and will extinguish an equal portion of the landlord's rent.

It is obvious, from what has been said, that this peculiar reason for imposing a countervailing duty in the case of a tax on the production of corn, is not applicable in the case of a tax on rent itself.

It appears, then, that the only taxes on

agriculture which, in the event of a free trade in corn, would require a countervailing duty, are taxes on the producer—taxes which fall on the means of production, and augment its cost.

Then what are the existing taxes on the cost of producing corn?

Lord Lauderdale, with the vagueness which distinguishes the phraseology of his class, replies, "that the landed interest are subjected to the peculiar burdens of the land-tax, the tithes, the poor-rate, and the county-rate."

This phrase, by the felicitous combination of a verbal with a substantial fallacy, insinuates a falsehood without telling it. It will not be disputed that every tax which is drawn from the land, is, in the common use of language, a tax on the *landed interest*. But if it be meant (as it certainly was meant), to suggest the analogy of a tax on the manufacturing interest, nothing can be more untrue. What is the manufacturing interest? The class whose labour and capital is engaged in the production of manufactures. Any tax—any "peculiar burden" on that interest, is, in its ultimate effects, a *tax on all*. What, however, is the landed interest? The class whose labour and capital is engaged in the production of corn? Yes: and so far as a tax is inflicted on that class, it is inflicted upon all. But the words have a wider meaning. They not only denote that industrious class, but, from an habitual confusion, they serve to denote another class,—the idle and unproductive, but omnipotent class of landlords. The effect of a tax on that class, is understood as soon as it is known from what source they derive their revenues: it is a tax affecting none but themselves, and forms one of the few cases in which we may tax a class without taxing the community. Unspeakable has been the advantage of this phrase—"the landed interest,"—to those whose advantage lies in spreading and perpetuating delusion. It has enabled the land-owners to thrust themselves forward on all occasions as fellow-sufferers with the over-burdened farmers: the farmers it has effectually deceived into the belief of a community of interests with the owners of land, and so difficult is it to draw the line of demarcation, that in most minds the landlord and the tenant—the unproductive and the productive—"the drone and the bee"—are one and



the same class; a tax on one is a burden on both; and a tax on both, like a tax on the manufacturers, is a tax on all. So great is the presumption of the landowners on the prevalence and imperviousness of the phrase, that one of the ablest of the class, who has shewn himself too well acquainted with the fundamental principles of this subject to leave room for suspecting him of ignorance as to the distinction between the landlord and his tenant—in other words, between the landlord and the public—has ventured to print the following sentence—to print and repeat in print, not once, but many times—and to found upon it a scheme of no less magnitude than that of abolishing a third part of the public debt.

"The merchant and the manufacturer, as well as the land-owner, are the producers; the mortgagee and the fundholder the sluggards: every tax on the former is a tax on industry, and capital accumulating; every tax on the latter, is a tax on indolence and capital hoarded\*."

The conception and publication of this passage, demonstrate the confidence of the author in the ignorance of the public.

When, therefore, in reply to the question, What are the existing taxes on the cost of producing corn?—we are told by Lord Lauderdale, that the "peculiar burdens" on the landed interest are the tithes, the land-tax, the poor-rate, and the county-rate (as well as the high-way and other less important assessments), he still leaves a question to be asked—By which portion of the landed interest is the burden of these imposts borne?

The first of these imposts, the Tithes, undoubtedly fall on the producer. Of course, like all taxes on the producer, they fall at last on the consumer, "as much," to use the words of Lord King, "as if the tithe-holder collected them at the oven's mouth†."

The truth of this position is demonstrable by a short analysis. Tithes, where they are levied at all, are a tax on every cultivated acre, of one-tenth of the gross produce; and, being levied on every acre, are levied, of course, upon the

land which pays no rent. It is, therefore, at once evident that they cannot fall upon the landlord: for the landlord can pay no tax where he takes no rent. They cannot fall otherwise than on the farmer; he, of course, could not cultivate such land, unless its produce, after defraying the charge for tithes, would yield the ordinary profits of capital: to do which, the price of produce must rise so high as to cover this triple charge.

Tithes, therefore, although ultimately paid by the consumer of corn, are at first a tax on the producer.

It is not without astonishment that we have seen this opinion questioned, when applied to the case of English tithes. Notwithstanding the cursory manner in which the objection is advanced, the celebrity of the journal, and the ability of the essay in which it has been given to the world, entitle it to a brief review\*.

"It will be found," says the author of the essay, "that by far the largest portion of this sum (the taxes on agriculture) has invariably been paid out of rent, and that it has really no more to do with the cost of producing corn, than the taxes laid on tobacco, or nutmegs. And, first, with respect to tithes: it appears that about a third part of the land of England and Wales is exempted from the burden of tithe, exclusive of considerable tracts in Ireland, and of the whole of Scotland. And such being the case, it is quite idle to suppose that the cultivators of the tithed lands have had any power so to narrow the supply of corn brought to market, as to throw any considerable portion of the burden of tithes on the consumer. Had the extent of tithe-free land been inconsiderable, they might have thrown the greater part of it upon them; but when they have had to come into competition, not with a few, but with a third of the cultivators of England, and all those of Scotland, it is obvious that the price of corn must have been regulated by the price for which it can be raised on the last lands cultivated that are free from tithe, and not by what it could be raised for on the last lands cultivated that are subject to that charge."

The following supposition will illus-

\* *Corn and Currency*. &c. By Sir James Graham (of Netherby), Bart., M.P. Second Edition, p. 106.

† *Ante*, p. 386.

\* *Essay on the Abolition of the Corn Laws*. Edinb. Review, vol. xlv, p. 353.



trate the effects of a *partial* tithe.—Suppose two countries, between which there is no trade in corn, to be exactly equal in population and in the extent and fertility of their soil. If the price of corn in both those countries be 9s. the bushel, the author of the essay will admit that the imposition of a tithe on all the cultivated land in either of them, would raise the price (say) from 9s. to 10s. If a tithe be imposed in one of them, and the corn-trade be thrown open, it is plain that prices will settle at the middle point, that is, at 9s. 6d. From the demand for the cheaper produce of the untithed by the consumers of the tithed country, fresh and inferior land will be cultivated in the untithed; but, for every acre so brought into cultivation, an acre must be thrown out of cultivation in the tithed country; and this process will continue until prices are equalized in both, which will happen when the price shall have fallen in the one, as much as it shall have risen in the other. But if the medium price be 9s. 6d., it follows that the tithe will still be wholly paid by the consumers; because a tax of *sixpence* the bushel on both countries, is just the same as a tax of *one shilling* the bushel on one of them. The same amount will be levied on the consumers; although, being contributed by twice as many persons as before, the tax, instead of a *tithe*, must, in strictness, be called a *twentieth*.

But although no part of the tithe will fall upon the *body of landlords*—although the aggregate rent of both countries will remain unaltered—its distribution, in each, will vary. For what is the process by which the aggregate rent is maintained? It is, that for every acre which is thrown out of cultivation in the tithed, a corresponding acre is brought into cultivation in the untithed country; in other words, that whilst rents decline in the tithed country, they rise in the untithed.

Hence it appears, that in whatever degree the consumers of the tithed country should reap the benefit of the exemption of the untithed, the consumers of the untithed would share in the burden on the tithed; and, that in whatever degree the landlords in the untithed country should gain, the landlords in the tithed country would lose. The amount of the tithe and the rent would remain unaltered: the former would be paid by a greater num-

ber of consumers, the latter received in different portions by the landlords\*.

We have taken (for the sake of convenience) an instance in which the tithed and untithed countries were of equal fertility and extent; but it is manifest that whatever might be the proportion which they bore to one another, the results would be similar. We may, therefore, conclude generally, that a tithe, whether partial or universal (provided it be equally imposed on land of all degrees of fertility), will always be paid by the consumer; and that the only effect upon rent, of a partial tithe, is to raise the value of untithed land by depressing the value of tithed land.

Taking then the tithe-free lands of Great Britain at one-fifth of all the lands in tillage, if we suppose (for the convenience of calculation) that the total consumption of wheat is ten millions of quarters yearly, it follows that eight millions are supplied by the tithed, and two millions by the tithe-free lands. Supposing, too, that the cost of production is 50s. the quarter on the latter, it will be 55s. 6½d. on the former.

The competition of these prices in the market gives an average of 54s. 5½d.: the tithed produce will fetch no more, because it is encountered by one-fifth of untithed produce; it will fetch no less, because there is a demand for ten millions of quarters, of which eight millions must be grown on the tithed soils.

\* It is matter of frequent notice, that from two estates, the one English and the other Scotch, both of the same fertility, and cultivated at the same expense, the landlord's return will vary; the rent of the Scotch exceeding that of the English landlord.—(See particularly Lords' Reports on the Corn Laws, &c. 1813-14: Evidence of Messrs. Turnbull and Brodie. See also Mr. McCulloch's Evidence, in the Fourth Report of the Commons' Committee on the State of Ireland (1825), p. 385.)—Whatever taxes are imposed on the production of English corn, from which the agriculture of Scotland is exempt, will affect the rent of the two countries in the manner we have described above. Of taxes on English production, the chief are the tithe and the poor-rate; and their amount is amply sufficient to account for the difference observed. The rent of the Scotch landlord has been described as "consisting of the difference of the produce of the highest and the lowest soils, and the excess of the actual price of Scotch produce above the remunerating one, produced by the operation of the English tithe,"—and other taxes on farming profits.—(West. Review, vol. i, p. 416.)



The analysis of this statement will demonstrate that the tithe, under these circumstances, will operate as a tax on the consumer—not of one-tenth, but of four-fiftieths, or something less than one-twelfth.

The mistake of this writer—and it is one of serious moment—may be ascribed, without injustice, or rather with a desire to judge him in justice and candour, to the carelessness with which he has applied a general proposition.

If none of the *lowest* soils were tithed; if none were tithed but those which would yield a *rent* of one-tenth of their produce, in case they were tithe-free—it would be true (as we shall shew hereafter) that tithes are a tax on rent. Such, we are willing to believe, was the proposition which floated in the writer's mind when he penned this hasty lucubration: the incident overlooked—the distinguishing incident, is, that tithes are levied on every soil; on the *poorest* as well as the richest.

To prove with how little reflection this opinion was put forth, it is only necessary to observe that, on the back of the same page, which contains the objectionable passage, the poor-rate is unhesitatingly set down as a tax on the production of corn.

Observe the glaring inconsistency.

The poor-rate is a tax on agricultural profits: so is the tithe.

The poor-rate is levied on a *part* of the cultivated land, of which the produce is sold in the British market: so is the tithe.

These taxes then are precisely similar: if “a third part of England and Wales—if considerable tracts in Ireland, and all Scotland, be free from the burden of tithe,” the greater part of Scotland and all Ireland are free from the burden of the poor-rate. “If the price of corn must be regulated by the price for which it can be raised on the last lands cultivated that are free from tithe,” so must it be regulated by the price for which it can be raised on the last lands cultivated that are free from the poor-rate: and yet the poor-rate is admitted to fall on profits, whilst the tithe is said to fall on rent.

To resume the thread of our inquiry, we may repeat that tithes, “although ultimately paid by the consumer, are at first a tax on the producer:” the amount

of the tax will be matter for future calculation.

The analysis of the other taxes on land, the land-tax, the poor and other local rates, is rendered intricate from the peculiar mode of their assessment.

By the acts for regulating the Land Tax, which was made perpetual in 1798, it is enacted, that *real* estates “shall be charged with as much equality and indifference as is possible, by a *pound rate* towards the several sums imposed upon such counties, cities, boroughs, towns, or other places, thereby charged therewith\*.”

The assessment of the Poor Rate is less uniform. In the case of lands and houses, this rate is usually imposed in one of the following ways:—1. On the actual rack-rent; 2. On a rent estimated on valuation, which is resorted to when the property is occupied by the owner himself, or by a tenant who pays less rent than the premises are worth; 3. On an annual per centage calculated upon the purchase money, making allowance for necessary outgoings†. The rate, however, is, in some instances, assessed at so much per acre; and there are doubtless other modifications in the mode of raising it, suggested sometimes by real or fancied convenience, sometimes by the whim of managing individuals‡. “Tithes, coal-mines, tolls, water-works, and saleable under-woods,” are assessed according to the net profits; whilst what is called *personal* property has fortunately escaped, to a great extent, from the imposition of this grievous burden.

From the Report of the Select Committee of the House of Commons, appointed to inquire into the expenditure of County Rates, it appears, “that by stat. 12 Geo. II. c. 29, and 55 Geo. III. c. 51, the county-rate is assessed by the justices, assembled in their general or quarter session of the peace, upon the full and fair annual value of the messuages, lands, tenements, and hereditaments, rateable to the relief of the poor; is raised by the churchwardens and overseers, paid to the high col-

\* 38 Geo. III. c. 5, s. 4.

† See 1 Nolan's Poor Laws, 4th edition, p. 225.

‡ See Appendix to the Report from the Select Committee on the Poor Laws in 1817, *passim*.



"stables, and by them to the treasurer of the county."

This rate is collected with the same diligent abstinence from uniformity which distinguishes the assessment of the poor-rate. It is usually collected by the same persons, and in the same assessment: whatever, therefore, is said of the latter will be implied of the former.

By 13 Geo. III. c. 78, and the other Highway Acts, the assessments for the maintenance and repair of the highways are directed to be made "upon all occupiers of lands, tenements, woods, tithes, and hereditaments," in the several parishes or townships. This assessment, as well as the compulsory attendance for the performance of "statute duty" (a relic of barbarous antiquity) affects the landlord and tenant precisely as the poor and county rates.

Before we can determine by what parties these imposts are defrayed, it is necessary to ascertain the variation, if any, which may ensue from the various modes of their assessment.

If a rate be a pound rate on the actual rack-rent, according to the first method described of assessing the poor and county rates, it will fall entirely upon the rent: for such a tax will add nothing to the cost of cultivating the *lowest* soils.

Thus, when wheat is 50s. the quarter, if 40 quarters be the produce of a farm of the lowest order of fertility, that quantity will be sold for 100l. If a farm of a higher quality of soil be supposed to yield, with the same outlay, a return of 60 quarters, which will be worth 150l., the farmer, being remunerated by 100l., will pay 50l. for rent. Should this farm be assessed to a rate of 5s. in the pound on the rack-rent, it is easy to see that the rate will be deducted from the rent, and not added to the price. The imposition of the rate will not affect the cost of cultivating the inferior farm. Paying no rent, it will pay no rate; its produce will continue to be sold at 50s. the quarter: so also must the produce of the better farm; for there can be but one price in the market for the same commodity, and the *lowest* is the regulating price. But if the tenant of this farm be called upon for 12l. 10s. (the amount of the rate) by the overseer, the landlord must put up with a rent of 37l. 10s. instead of 50l., or go without any rent at all: for so long as the expense of cultivating an

inferior farm is re-imbursed by a return of 100l., the same expense and trouble must be paid at the same rate, when bestowed on any other soil. A tax, then, which varies with the rent, is paid from the rent: it is a tax on the owner of land. The effect would be similar, if the rate be levied, according to the second and third methods resorted to in the assessment of the poor-rate. These are only different means of arriving at the same conclusion. The rent is still the object in view. In the first case, it is ascertained from the terms of an existing lease; in the second, from a valuation by inspection of the premises; in the third, by an estimate calculated upon the price of the estate.

This conclusion, however, must be limited to those cases in which the rent is nothing more than a payment to the landlord for the use and occupation of the soil. It happens in many, perhaps in the majority of instances, that the rent is something more than a reward for the use of the soil itself: it is a reward for the use of the soil, and for a portion of capital invested,—that portion of capital which is expended in the more durable improvements of land, in the construction of drains, fences, roads, farming-buildings, and the like. Whichever of the three methods, first described, may be resorted to in assessing the poor-rate, it may happen that the reward for this capital will be included. It will always be included in an assessment on the rack-rent, where the rack-rent represents the annual value: it will be included in an assessment on the estimated rent, where the valuation is made on the principle of "annual value;" it will be included in an assessment on the annual value of the purchase money, wherever the improvements, as well as the soil of the estate, were the objects of purchase. When the rate is assessed in the second of these methods, it may be assessed on the real rent and the profits of a portion of capital, even where the capital has not been expended by the landlord, but by the tenant; for the tenant, in such case, would be held "to pay less rent than the premises are worth,"—that is, he would pay a smaller sum to his landlord than a succeeding tenant who should take the improved estate, and who would therefore pay for the improvements, as well as for the use of the soil.

With respect to the incidence of a rate



on the annual value, where that term includes the profits of a portion of capital, as well as the rent of the land, it is immaterial to whom the capital belongs,—whether to the owner of the land or the occupier. Wherever a landlord possesses an improved estate, he is, to the extent of the improvements, a capitalist, and a member of the productive class.

It will be found, that a rate on the whole value of the rent, and the profits of a portion of capital, will not be deducted from the rent, but added to the price of corn.

Such a rate would be levied on the lowest soil in cultivation. If nothing were paid for the use of an estate of that description to a landlord,—that is, if the durable investments, the fences and farming-buildings, were the property of the tenant himself, the rate would be levied “on the annual value;” if the landlord received a compensation for the use of these improvements, the rate would still be assessed on the annual value, which, in that case, would be called the rent; for, in common language, by the rent of land, is meant the remuneration of the landlord, whether derived from the loan of the soil, the loan of the durable capital, or both.

If the durable capital invested in the lowest soil be supposed to amount in value to one-half of the whole capital employed, a given rate (say 10s. in the pound) on the annual value of that portion of capital, will be tantamount to a rate of half the amount—(a rate of 5s. in the pound)—on the total return. Now, if, proceeding on the former supposition, 40 quarters of corn be the produce of a farm of this order of fertility, a rate of 5s. in the pound, when the price is 50s. the quarter, will raise the price of the whole quantity from 100l. to 125l., or from 50s. to 62s. 6d. the quarter. In this case, the rate on the superior farm, whose produce is 60 quarters, will be raised to 37l. 10s. The whole produce will be sold at 62s. 6d. the quarter, and the price will be divided thus:—

|                                                         |                |
|---------------------------------------------------------|----------------|
| The returns to the farmer's capital will remain at..... | £100 0         |
| The rate will rise to.....                              | 37 10          |
| And the rent will remain at....                         | 50 0           |
| <b>Total.....</b>                                       | <b>£187 10</b> |

Such a tax, therefore, falling ultimately on price, is, at first, a tax on the producer.

The case of a rate per acre,—that is, on every cultivated acre,—has been considered in the analysis of the effect of tithes. It is also a tax on the producer.

Such being the principles by which the incidence of these taxes must be judged, we next inquire to what amount they respectively fall on the producer of corn.

It has been repeatedly estimated by calculators of all parties,—by those who calculated for a small, as well as those who calculated for a large amount,—that the yearly value of the Tithes in England and Wales is not more than seven, nor less than five millions sterling. The question of tithes has been recently discussed in the *Quarterly and Westminster Reviews*\*. The estimate, in the former journal,—a work in which no attempt would be spared to reduce so unpopular a tax within the narrowest limits—is five millions: in the latter work, a preference is intimated, but no reason alleged, for the larger estimate. Mr. Whitmore, with many others, has adopted the estimate of five millions. To this we shall adhere at present.

The average amount of the unredeemed Land Tax for England and Wales, for three years, (1822, 1823, 1824), was 1,219,322l. Of this sum, a considerable portion, (although we have no means in our possession of ascertaining how much), is levied “upon all ready money, debts, personal estates, offices, employments, annuities, and pension†;” and of that which is assessed on real property, a considerable part must be contributed from other sources than the raw produce of the soil‡. The sums which are respectively assessed on agricultural capital and other sources, may be ascertained by a parliamentary return. It is impossible to suppose that the former sum can exceed two-thirds of the whole

\* *Quart. Rev.* vol. xxix., and *West. Rev.* vol. i.

† 38 Geo. III. c. 5, § 3.

‡ The words of the act (38 Geo. III. c. 5, § 4) are, “all manors, messuages, lands, and tenements, all quarries, mines of coal, tin, and lead, copper, mundic, iron, and other mines; iron mills, furnaces, and other iron works; salt-springs and salt-works; all alum mines and works; all parks, chases, warrens, woods, underwoods, coppices; all fishings, tithes, tolls, annuities, and all other yearly profits; and all hereditaments of what nature or kind soever they be, within England, Wales, or Berwick.”



tax; and on this supposition, we shall have an additional charge on the producer of corn of about 800,000*l.*

With respect to the Poor and County Rates, we are furnished, in the Report of the Committee on the Poor Laws, in 1824, with an account "shewing the amount of monies levied for those rates, in each county of England and Wales, in the year ending 25th March 1823; distinguishing the amount levied on land, dwelling-houses, mills and factories, and manerial profits \*"

The whole amount of the poor and county rates, in 1823, was 6,703,500*l.* This sum is distributed in the account as follows:

|                                 |            |
|---------------------------------|------------|
| 1. Sums assessed on land . .    | £4,602,252 |
| 2. On dwelling-houses, &c. . .  | 1,762,950  |
| 3. On mills, factories, &c. . . | 247,390    |
| 4. On manerial profits, &c. . . | 90,908     |
| Total . . . . .                 | £6,703,500 |

With the second and third of these items, it is manifest we have no concern in this inquiry. The fourth is the sum assessed not only on "manerial profits" and fines," but on quarries, mines, iron-works, &c. and other profits unconnected with the business of farming. By "manerial profits," we presume, are meant waifs, estrays, wrecks, escheats of the goods of felons, heriots, &c.; so that the fines and rents of copyholds form the only item in the sums which demand our present attention. This, whatever it may be, is, of course, an inconsiderable sum; and when it is considered that a tax on the fines and rents of copyholds is a tax on rent, and not on the cost of production, we can have

\* It is proper to observe, that the Committee made the following remark upon this table:—"These returns having been required in a form to which parish officers were unaccustomed, the number of defaulting parishes is very considerable, and the returns which have been received cannot be entirely depended upon. The abstract which your Committee have prepared of these returns is therefore supplied in great part by estimates. They have assumed, that in the whole of each separate county, the proportion which the different descriptions of property assessed have to each other, is the same as in that portion of each from which returns have been received."

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no further doubt in excluding it entirely from consideration.

We have only to deal with the first item—the sums assessed on land. These sums are levied on land occupied for agricultural purposes, including nurseries and gardens, and what is more material to remark, including tithes.

From this item it will be necessary to make the following deductions:

*First*, a deduction for the rates on tithes, which are assessed according to the net profits, and must yield a considerable sum. The tithe is itself a tax on the profits of agriculture; what, therefore, is taken from the tithe, for the purpose of being given to the poor, is a tax upon a tax, and adds nothing to the original burden. To include the rates on the tithe amongst "the sums assessed on land," is so far to falsify the account.

*Secondly*, a deduction from the rates on land on which the land-tax has been redeemed, which is tithe-free, or subject to a modus in lieu of tithe. The effect of such exemptions is to swell the amount of rent; and a rate, whether assessed on the rack-rent or the annual value, will be increased in proportion to the value of the exemption. This increase of the rate is obviously a tax on rent, and not on the cost of production.

*Thirdly*, a deduction from the rates, "according to the degree in which they bear on manufacturing and agricultural profits equally \*." By an examination of the account, it will appear that this deduction will strike off little short of half a million from the "sums assessed on land." In proportion as these rates bear equally on manufacturing and farming capital, they are "a general tax on the profits of stock, and occasion no alteration in the price of raw produce and manufactures." But a tax which occasions no alteration in the price, can afford no peculiar motive for the importation of foreign grain: such a tax cannot be classed with those which require the aid of a countervailing duty.

*Fourthly*, a deduction of so much of the rates as are assessed upon the actual rent.

*Fifthly*, a deduction for the decrease in the amount of the rates, from the fall in

\* Ricardo, Principles of Political Economy and Taxation: Chapter, Poor Rates.



the price of corn—a decrease which would keep pace with the fall in price.

With our present defective knowledge of the details of the assessment of these rates, it would be plainly impossible to make these deductions with any tolerable degree of certainty. It is to be wished that the next return may be drawn up with more attention to such points.

We have no means of ascertaining with precision the amount of the last great item of agricultural taxation—the Highway Rate. We shall expend no guesses on the subject, but consult both our own and the reader's convenience by adopting the common estimate of two millions\*. From the mode of its assessment, it must chiefly fall on the producer.

Without taking the advantage, to which the foregoing deductions would entitle us, we shall probably be permitted to assume that the land-tax, the poor-rate, the county-rate, and the highway-rate together, will not exceed seven millions yearly. By adding the tithe, we shall thus have a total of twelve millions for the “peculiar burdens” on the agricultural producer.

Having thus ascertained, sufficiently for the present purpose, the amount of those taxes which increase the cost of producing corn—of those taxes which require the imposition of a countervailing duty, we have only to estimate the amount of the duty to be imposed.

Calculations of this kind have been as various as the views and interests of the calculators. This variety is owing to the want of a fixed principle; and until the principle be recognized, we can expect no uniform result. From the want of this guiding principle, we have one party demanding a free trade without let or hindrance, and another clamouring for prohibition: one party undervaluing the peculiar imposts on the grower of corn, another calling them “50 per cent on the value of the rent.” No rational attempt can be made to establish a fixed duty, until we have ascertained the causes for which the duty is required. Having determined the nature of these causes, and the extent of their operation, the amount of the duty would be settled by the rule of three.

\* See Mr. Whitmore's speech: *Parl. History and Review*, *Sess.* 1825, p. 388.

It is not meant to be asserted that the calculation can be void of difficulty: it would be thick-set with difficulties, were it necessary for any practical purpose to adjust the duty to the tax with arithmetical precision.

To the attainment, even, of this precision (after obtaining amended returns of the agricultural taxes), there is but one thing wanting—one defect which may be remedied by a single order of the House of Commons, precisely as such defects are remedied every day—an order for a return of the number of acres in Great Britain and Ireland paying tithe and tithe-free; with the necessary specifications in cases of composition and modes, and an estimate of the proportion of the tithe, in all cases, to the gross produce on which it is levied.

It is easy to foresee the objections which will be raised to such a course. Without alluding to the inveteracy of the church, it is enough to mention the strenuous disinclination of the landlords. Ascertain the amount of tithes—(an account of the other “peculiar burdens” will be granted with less resistance)—marshal the figures, draw the lines, add, multiply, subtract, divide, and strike the balance;—all the *vague* will vanish, and with it will vanish the guesses, the exaggerations, and the lies. Lord Lauderdale will talk no longer of “the poor-rates and tithes, taken together, amounting to about 33 per cent on the value of the rent,”—(an assertion for which not a particle of evidence can be adduced)—and sum up by declaring that “the landed interest are subjected to exclusive taxation, amounting to more than 50 per cent.” It is undoubtedly more convenient for such calculators to deal with uncertain quantities. Their guesses demand obscurity: they vanish in the light of day.

In the absence of positive documents respecting the amount of tithes, we must make shift with the received estimate of five millions.

It is asserted, we cannot say how probably, that the tithe which is really paid and received, instead of one-tenth, is not more than one-twentieth of the gross produce of the soil\*. Suppose it equal to one-fifteenth: then, the rest of the tax

\* See *Quarterly Review*, *loc. cit.*



on the soil, which have been estimated at seven millions, would be equal to one-eleventh (nearly); or, together, to about 16 per cent. on the whole produce.

Supposing the peculiar taxes on agriculture to absorb the annual value of 16 per cent of the whole produce, the permanent duty on foreign corn should amount to the price of 16 quarters in every 100; or rather, should amount to so much as would raise the price of 84 quarters of foreign grain to the natural price of 100 quarters. We know of no other mode by which the foreign and domestic producer can be put on the same terms. Thus, if foreign corn could be imported at an average of

| The Qr. |                    | The Qr. |
|---------|--------------------|---------|
| 50s.    | the duty should be | 9s. 6d. |
| 45s.    | - - -              | 8s. 7d. |
| 40s.    | - - -              | 7s. 7d. |
| 35s.    | - - -              | 6s. 8d. |
| 30s.    | - - -              | 5s. 9d. |

and so forth.

To the principle of this calculation we can discover no objection: the details undoubtedly partake of the imperfection of the sources from which they are derived. To rectify these, is the business of that class who describe themselves as the most interested parties in the question, and who have been described by others as "the members of parliament, and those who make the members of parliament\*,"—whose power both for good and evil in this, as in all other matters, is not only unlimited but exclusive; by whose aid every thing may be accomplished—without it, nothing. We are the more careful in pointing out the probable infirmity of the calculation, inasmuch as we attach no great importance to its absolute exactness, being rather desirous to denote the principle than to add the figures; inasmuch also as any error in arithmetic would be otherwise laid hold of as a sufficient conclusion against the principle, by men who, predetermined against any thing but virtual prohibition, are less anxious about the method of calculation than the amount of duty. What says this very Mr. Benett, with respect to a calculation of Mr. Whitmore's?—Precisely what most gen-

tlemen of his class would say to any other—"the duty is insufficient."

"His personal opinion had always been in favour of admitting corn conditionally—without regard to home prices—at a protecting duty: as to the amount of that duty, he agreed with the late Mr. Ricardo, that it ought to be just so much as would compensate the landowner for the share he was compelled to bear of the public burdens, and not one shilling beyond; but he had voted against the motion of the hon. member (Mr. Whitmore) a few evenings since, both because he thought the time unfavourable for discussing the question, and the duty proposed insufficient\*."

We invite Mr. Benett's attention to the proposal for rectifying the returns from which we can alone determine the land owner's share in the public burdens to the last shilling, and adjust a sufficient duty.

Imperfect as it may be found, the result of this investigation is at least sufficient to shew how much at random the agricultural party guess, and with how little authority they assert: it is sufficient to shew the exaggeration of their estimates of the "peculiar burdens," and the folly of their demand for prohibition, or prohibitory duties.

It is not, however, to be supposed that we advocate the immediate substitution of a countervailing duty of 9s. 6d. the quarter on foreign grain: the object actually in view is not to fix a permanent duty, but to commence a system which shall terminate in a permanent duty.

In our essay of last year, we observed, when speaking of an immediate measure, that the plan "which would go farthest to meet "the interests of both parties (the "agriculturists and the public), must be "one which would reduce the loss of the "agriculturists,"—a loss which must ensue upon any effective change in the Corn Laws—"to the least amount, by "the slowness of its operation; whilst it "would, in due time, secure to the community those advantages of which they "cannot be justly debarred by a well-intentioned government.—A duty on "importation, regulated at first by the "present cost of producing British grain, "and lessening year by year, till the "average price in our own should exceed that in foreign markets by no "more than would compensate the

\* *Ante*, p. 335.

\* *Ante*, p. 340.



"owners of land for the tithes and other agricultural taxes—seems likely to effect this object\*."

In this opinion we were borne out by eminent authorities. "The best policy," says Mr. Ricardo, "would be, to lay a tax, decreasing in amount from time to time, on the importation of foreign corn, for a limited number of years, in order to afford to the home-grower an opportunity to withdraw his capital gradually from the land†."

The article "Corn Laws and Trade," in the Supplement to the Encyclopædia Britannica, contains the following "excellent suggestions and observations‡:"

"If we shall, at any future period, think of retracing our steps, in order to give time to withdraw capital from the cultivation of our poor soils, and to invest it in more lucrative employments, a gradually diminishing scale of duties may be adopted. The price at which foreign grain should be admitted duty free, may be made to decrease from 80s., its present limit, by 4s. or 5s. per quarter annually, till it reaches 50s., when the ports could safely be thrown open, and the restrictive system be forever abolished. When this happy event shall have taken place, it will be no longer necessary to force nature. The capital and enterprise of the country will be turned into those departments of industry in which our physical situation, national character, or political institutions, fit us to excel. The corn of Poland, and the raw cotton of Carolina, will be exchanged for the wares of Birmingham and the muslins of Glasgow. The genuine commercial spirit, that which permanently secures the prosperity of nations, is altogether inconsistent with the dark and shallow policy of monopoly. The nations of the earth are like provinces of the same kingdom—a free and unfettered intercourse is alike productive of general and of local advantage."

To these opinions we fully adhere. Our reasons for adopting them were ex-

pounded in our essay of last year, and need not be repeated.

##### 5. *Necessity of securing a remunerating price to the agriculturist.*

Having explained the mode of providing for the proper incidence of the "peculiar burdens" upon agriculture, under a system of free trade; having shewn what securities must be adopted for preserving to the country the full benefit of its natural facilities for the production of raw produce, in despite of these burdens; having shewn to what degree it will be necessary, for that purpose, and in order not to inflict an unequal pressure on the land-owners, to prevent the price of raw produce from falling so low as it would fall under a system of perfect freedom—it is time to inquire what is meant by the land-owners themselves, by their phrase of "a remunerating price."

We are unable to attach any other meaning to the term than that which we have just explained;—a price sustained by a countervailing duty, at such a rate as to ensure the cultivation of those soils which, owing to the pressure of peculiar taxes, could not otherwise be tilled at a remunerating, that is, at the ordinary, rate of profit. This, however, is not the meaning of the agricultural phrase.

"The present price of corn," says Mr. Sumner, "is not more than a remunerating one; under sixty shillings (the quarter) corn can never be grown permanently in this country\*."

So much for Mr. Sumner's idea of a remunerating price. From what follows, the reader will perceive that Mr. Calcraft's is at least as meritorious.

Lord Milton, in one of those speeches which have rendered him so justly popular, had observed, that—

"He was told upon all occasions, that it was necessary that the landed interest should have a remunerating price. Now, what did a remunerating price mean? Ample rents to the landlords, and ample profits to the farmers (no, no). Then, what did it mean? By a remunerating price, he repeated, was meant, that ample profit should be secured to the farmer on the outlay of his capital. Now that evidently depended on the amount of his rent. The whole question referred to the advantage of the farmers and landowners, or rather of the landowners entirely. A remunerating price, let it be considered as it might, resolved itself into the attainment of ample rents."

\* *Ante*, p. 361.

\* Parl. Review, *Sess.* 1825, p. 701.

† Principles of Political Economy and Taxation, p. 312, third edition.

‡ These are the words of Mr. Ricardo, from whose work we quote the passage.—(Principles of Political Economy, &c. *loco citato*).



Whereupon Mr. Calcraft replied, that—

"He would tell the noble lord what a remunerating price was:—it was 3 per cent on the money vested in the land, and 5 per cent on the capital expended upon it. Surely that was not an extravagant rate of remuneration \*."

Lord Milton is evidently right: "the whole question refers to the advantage of the farmers and land-owners;" and when Mr. Sumner speaks of 60s. as the remunerating price, and Mr. Calcraft of 3 per cent on the purchase-money of land, with 5 per cent profit on the capital invested in the business of agriculture, they only substitute definite terms for Lord Milton's general expression. Lord Milton talks of "ample rents;" nay, says Mr. Sumner, not "ample," but 60s. a quarter: not "ample," repeats Mr. Calcraft—"not extravagant,"—but 3 per cent and 5 per cent; that is our remunerating price. Others have talked of 65s., 70s., 75s., and 80s.; and doubtless there are not wanting many who inwardly ejaculate, "not 60s., not 80s., but 100s."

If 60s. be the price at which corn would be sold in England, under a duly regulated importation, Mr. Sumner himself would admit that there would be no need of a corn law for the purpose of effecting his object. Such a law would be inoperative to any purpose but that of elevating prices beyond their natural standard; and if the natural standard should, in fact, be less than 60s., Mr. Sumner would also concede, that, in the ordinary use of language, 60s. not being the natural price, would, if not "extravagant," or "ample," be at any rate a high price. It is, therefore, absurd—it is disingenuous—to deny that a remunerating price, so far as that term is used as an argument for the Corn Laws, is a synonyme for high price. It is one of those "impostor terms, by which, in order to justify or disguise a thing indefensible under its real name, recourse is had to some more general term, which, together with the indefensible thing, includes others, which are objects of approbation." Now the talk of "remunerating" prices is undoubtedly a pleasant talk: it suggests the agreeable ideas of merit and reward; a merit to be recompensed, and a reward wherewithal to recompense it. Under this prepossessing

phrase, the question is presented as involving a right and an obligation: a right on the part of the landed interest, to remuneration for service done; an obligation on the part of the community, to defray a debt incurred. But "high" price—a high price of corn—is a phrase of sinister import. It is a declaration of war against the belly—a note of hostile preparation, at which every man, who dines, is warned by the watchful monitor which prompts him when and how to dine, to bestir himself; lest one of the pleasant breaks in the routine of daily life be cut off, or the abundance of the whole impaired. Such is the force of words!

Having disposed of the name, we may now apply ourselves to the consideration of the thing—to the consideration of the expediency of high prices.

This may be dispatched in a few words—by a reference to what has been said upon the principles of the Corn Laws: for to talk of high prices under the name of remuneration, is no less than to set aside these principles by a word—to beg the question by changing the term. So long as foreign countries afford their customary abundance, it is impossible for prices to exceed their natural level. Under such circumstances, restraints on importation can alone produce high prices. We have shewn, and need not repeat—in fact nobody ventures to deny—that high prices are the cause of high rents and high tithes: we have also described them as the cause of low profits. We have observed that the interests of the landlord and the taker of tithe are promoted by high prices, and explained that the farmer who is saddled with a long lease, under the present artificial system, though interested in raising the rate of profits, has often a stronger motive in the opposite direction; as the abandonment of the inferior soils, which could alone raise the rate of profit, would greatly impair, if not destroy, the capital vested in such soils. These parties are all naturally appetent of high prices, and their clamour is commensurate with their power. All this is natural enough; but is it useful?

It is useful only to themselves. The "remuneration" of this confederacy, is a remuneration at the expense of the community. To remunerate the lease-holder, prices must be raised so high as to afford a profit on the capital which he has laid out

\* *Ante*, p. 378.



on inferior soils. This excess of prices must be paid from the pockets of the people. To remunerate the landlord and the clergyman, the rent and the tithes must be kept at their present standard—kept up by high prices also; which must also be paid from the pockets of the people.

Having pointed out the meaning of the phrase “remunerating prices,”—having shewn by whom they are paid and by whom received, any further remark would be superfluous. In justice, however, to Major Maberly, we must quote his language upon this topic:—

“He opposed the right of the agriculturists to what they called a ‘remunerating price,’ upon the ground that there was no saying at what point that remunerating price would stop. By bringing poor lands into cultivation it might be raised even thirty or forty per cent higher than it was at present\*.”

In fact, forty years ago it was thirty or forty per cent less; and should the system be vigorously pursued, there can be no reason why it should not be thirty or forty per cent more than it is at present. As the merit of the landed interest is infinite—the merit of keeping all they get, and getting all they can—so is their claim to remuneration. The higher their rents, the louder their clamour for protection. They need protection, to make them rich; they need it to preserve their riches. Like the daughter of the horse-leech, their cry is continually—“give, give.”

6. *The existing restrictions on the Corn Trade were not the cause of the late distress.*

Having shewn, by the three preceding arguments (Sects. 3, 4, and 5), their claims to the protection they enjoy, the advocates of the landed interest proceeded to prove that that protection is no injury to others; and, to substantiate the assertion, they allege that the Corn Laws were not the cause of the existing distress, either amongst the manufacturers or the labourers. Thus, in an early debate in the last session, Mr. Curwen said, “that the manufacturers of England were grossly mistaken, if they attributed any part of their distress to the operation of the Corn Laws†.” And

Lord Malmesbury assured the House of Lords, that “he would only ask one week, and would undertake in that time to prove, by the testimony of five or six honest manufacturers—(note, 1. no manufacturers are asked who hold the opposite opinion; 2. honesty in the place of knowledge)—that not only their present distress was not attributable to the Corn Laws, but that any alteration of them would be calculated to increase that distress; for, if it increased the distress of the other class of the community, it must of necessity increase their’s\*.”

Similar assertions were pronounced as to the causes of the present distressed condition of the labourers.

To both these propositions we give a qualified assent.

In speaking of causes, it is often useful to discriminate between those which are proximate and those which are remote. It is certainly foolish to assert that the corn monopoly is the proximate cause of the existing commercial difficulties. On this point, Lord Milton may be cited with approbation:—

“He was not,” he said, “absurd enough to suppose that the Corn Laws were the sole cause of the distress, but he had no hesitation in saying that in one respect they had a great effect in producing it, and that was in the interruption which they gave to the commerce of our manufacturers with foreign countries†.”

This is the precise distinction. A course, which tends to embarrass the freedom of commerce, tends also, if not in its immediate, at least in its remote operation, to counteract the self-regulating tendency between supply and demand. It is by no means easy to ascertain, at particular periods, the respective wants and powers of supply, of inter-commercial countries: slight circumstances are often sufficient to mislead, in this respect, the judgment even of experienced merchants: a harvest partially plentiful or partially defective,—a sudden decline or increase in the demand for a particular article,—any circumstance, in fine, which unexpectedly affects the market-price of important commodities, is too apt to be misconstrued into a general deficiency or a general surplus. How much more difficult does it become to distinguish between the

\* *Ante*, p. 336.

† —, p. 27.

\* *Ante*, p. 368.

† —, p. 376.



varying indications by which the operations of trade are directed, when a cause is at work in either country which tends to generate fluctuations in price, sometimes both rapid and extensive,—more especially when, in addition to this tendency, it has the further permanent tendency to depress the rate of profits, and thereby to stimulate speculation precisely in the conjuncture in which it is most hazardous, and needs rather to be discouraged than excited? Such, however, is the tendency of all restraints on the importation of raw produce; and, in whatever degree the Corn Laws may have produced this effect in England, in that degree they have been an ultimate cause of the present embarrassments.

First, then, it is not wholly true, that “no part” of the existing distress is attributable to the Corn Laws: and, next, were it as true as the testimony, not of six, but of six thousand “honest manufacturers” could make it, how would it follow that the Corn Laws have no mischievous effects in other shapes and seasons?

Lord Lauderdale entertains an opinion respecting the effect of the Corn Laws on the wages of labour, by which he proves that a high price of corn has no tendency to depress the rate of profits. He observed, that—

By referring to documents which were before the house, he learned that in those years when grain was dear, labour was generally cheapest; and *vice-versâ*. On a former occasion, to illustrate this principle, he sent to Glasgow, and got the price of weaving a certain article for thirty years, and compared it with the Windsor price of wheat. The result was, that precisely as corn rose, the price fell. This was not the case with manufacturing labour alone,—the principle applied equally to agricultural. Mr. Milne, who had been examined before a committee of the house, had stated that in enclosing a farm, the portion of work which in a cheap year cost five shillings, was got done in a dear year for half-a-crown\*.

Lord Lauderdale, however, has not furnished us with the rationale of this statement; that, it will appear, would scarcely have served his purpose†.

\* *Ante*, pp. 326-7.

† For a more complete statement of his views, in Lord Lauderdale's own language, the First and Second Reports from the Committee on the Corn Laws, 1813-4, we presume, are “the documents” referred to by Lord Lauderdale in the present passage. See also the evidence of Mr. Milne, in the same Reports.

It has been observed by M. Say, that during the high prices of 1811 and 1817 in France, the wages of labour declined, instead of rising\*. The same circumstance occurred in England, in 1815, which was also a year of high prices. The difficulty of getting bread, he remarks, compelled more people to resort to manual labour than were usually so employed, and obliged those who were habitually engaged in it to exert themselves beyond the ordinary rate. From these causes a glut took place in the supply of labour, and of course a corresponding fall in its price. The effect, however, of such a fall, at such a period, both upon the numbers of the people, and their capacity for working, is evident. It cannot but diminish both,—a diminution by which the rate of wages is restored; and thus, with the return of low prices, we are met by a rise in wages. It is not less evident, however, that fluctuations of this kind must be but of short duration. If corn, instead of falling, were capable of maintaining a high price for a lengthened period, the diminution in the numbers of the people, and in their capacity for working, would raise the price of wages just as much, and, in fact, much more than in the opposite case of a fall in the price of grain. It is also certain that a continuance of a low price of grain, by affording a steady stimulus to the increase of population, would ultimately produce and perpetuate a low rate of wages. Wages may not correspond with the price of corn at particular periods, and for short spaces of time; but, in the absence of any check to population, they always accommodate themselves to it in a series of years.

This explanation will not accord with Lord Lauderdale's views. It was his object (we can see no other) to shew that the high price of corn was not detrimental to the manufacturers, as it procured them not dear, but cheap labour. To be sure, in this calculation, he wholly overlooked the mischief inflicted on the labourer. He attempted to unite the interests of the manufacturer and the agriculturist, by shewing their mutual gain by a law for depressing wages. The oversight was not unnatural; but it justified Lord King's rebuke, that—

\* *Economie Politique* (quatrième édition), tom. ii. p. 109. not.



"Those who made corn dear, knowing that labour was at the same time to be cheap, were guilty of tenfold more injustice and cruelty to the poor than he had ever ventured to impute to them."

We have shewn, however, that so far from producing permanently cheap wages, the effect of a high price of corn is precisely the reverse. It will also be inferred from what has been said above, that those temporary high prices, which are all that the Corn Laws can bestow, so far from benefitting the farmer (for he, too, is included with the manufacturer in Lord Lauderdale's calculation), by a reduction of wages, of which the benefits, such as they are, can be but of brief duration, only aggravate the precariousness of his condition, by adding to the evil of low prices, whenever they occur, the additional evil of high wages!

To whatever light we turn this subject, it presents us with a scene of unvaried disaster, unless, indeed, we except a single class; and even that class exaggerate the benefits which they derive from so mischievous a source.

The present distress, however, of the manufacturing labourers can hardly be attributed to the Corn Laws, either in their immediate or remote operation: the heavy fall in their wages is the obvious effect of the previous distress of their employers; the dreadful extent of suffering which that fall has occasioned is no less plainly the effect of the excessive number of those who compete for manufacturing employment. Had the general and permanent rate of wages been considerably higher before the late convulsion, they could not have fallen so low: had the numbers of the people been considerably less, the permanent rate of wages would have been considerably higher. Under such circumstances, the labourer might possibly have been deprived of the comforts, but hardly of the necessities of existence. As it is, we have seen the English operative exposed to an occasional fall from tolerable food and lodging to feed upon brewer's grains, Butter-milk and potatoes admit of no economy, and in times of periodic scarcity, the Irish peasant has no resource but death.

"We cannot, therefore, agree with those who hold up the Corn Laws to the common people as the great cause of

their distress. This, we think, is an injurious delusion. There is only one cause worth speaking of, which perpetuates in this country the degradation of the labouring class. That cause, it can never be repeated too frequently, is the excess in the number of the people. To ascribe their poverty to any other, is only to mislead them. If corn were double its present price, the people, by limiting their numbers, might have as much of it as they wished; if it were twice as cheap, at their ordinary rate of increase, they would be shortly as poor as ever."

This was our language on a former occasion: it was dictated by a deep persuasion of the insignificance of all artificial causes in regulating the amount of wages, and thereby the happiness of the people; it is repeated with the same conviction, and with a sincere desire of removing from the public eye whatever obstacle may have been interposed, by design or ignorance, to conceal the all-effective causes of the misery and debasement of the labouring class.

Granting, however, that the late distress is not justly attributable to the Corn Laws, how, it may be asked, can this concession affect the general question?

There are many, perhaps most men, more especially in matters of no immediate personal concern, whose opinions are habitually decided by the last striking circumstance which may happen to attract their notice: they willingly shut their eyes to the uncertainty of this mischievous habit of trusting to last impressions, in favour of its facility; and, although such impressions are more liable than any others to be estimated above their value, so liable is that fact attended to, that they insensibly sway the judgments even of able and cautious men, and fling for awhile into the shade all previous evidence, however carefully received. The influence of this habit was exhibited in a striking degree during the recent discussions on the Corn-rency. It was in vain to recall attention to evidence recorded, and principles established; the fact—the late fact—was irresistible.

In concurrence with this habit, many members of parliament appear to have conceived, that if the Corn Laws were the cause of the late distress, they can never

\* *Ante*, p. 327.

\* *Parl. Review*, *Sess.* 1825, p. 698.



be the cause of any. To guard against this conclusion, it seemed necessary to state the fact respecting the connexion of those laws with the recent embarrassments, and its proper limitations. This, therefore, being done, we may proceed to the assertion, next in order,—

7. *That the Corn Laws are productive of no evil effects whatever*,—a bold proposition, for which we are obliged, on this occasion, to Sir Francis Burdett.

This fallacy requires notice, rather from the celebrity of its author than from any importance of its own. Sir Francis Burdett's position rests on an ignorance of the simplest principles which regulate the production of wealth; and on the misstatement of a notorious fact. So glaringly fallacious is this argument, that Sir Francis Burdett has unconsciously suggested the means of refuting at the moment of announcing it.

"Nothing," he observed, "could be more clear than the fact that there could be but one interest between the agricultural and the manufacturing classes; the only reason that England had so large a body of manufacturers—the only reason why she was enabled to support them—was, that her agriculturists produced with so little labour so much more than was needful for their own consumption. The living of each party being made out of the exertions of the other, it was impossible that either could be rich without their prosperity being mutual. The more the agriculturist's labour produced, the more he had to sell to the manufacturer; the less exertion the manufacturer had to lay out upon his commodity, the more the agriculturist received in the exchange. This was the plain and simple view of the question\*."

Again:

"The more food there was for the manufacturers, the more manufacturers there would be; the more their skill would be excited, and the greater return there would be for the produce of the agriculturist. It might be that a part of that food came from abroad; but it was, in his estimation, of little consequence where it came from—whether grown in this country, or dropped from heaven, like manna—the advantages would be the same†."

In this theory, we note two capital defects—error in the principal fact, and vagueness in the principal term. Using the term labour in the sense which has certainly been given to it by economists of great repute—as including not only wages but capital—it is uncontestedly true, that the manufacturer

and the farmer will each obtain more in the exchange of their respective commodities, according to the cheapness—in other words, the smallness of the labour, with which they can respectively produce them. Taking the word in this sense, we learn from a very slight acquaintance with first principles, that the farmers of a country where the landlords receive the highest rents in the world, cannot possibly sell their corn at so cheap a rate as the farmers of other countries—that they cannot produce a surplus "with so little labour as to give the manufacturer the greatest possible quantity of raw produce in their mutual dealings." To say, in despite of facts which we will not describe, that a surplus is so produced in England, we attribute to pure forgetfulness. It is beyond controversy that a given quantity of British manufactures will purchase, at this instant, one-third more of foreign than of British corn. To assert, therefore, that "it is of little consequence whether the food be grown in this or another country—try—that the advantage would be the same,"—is a paradox which admits of no exposure more effectual than a bare re-statement.

It is, however, important to untwist this knot of words, so as to leave no room for cavils. It has been observed, that by including in the word labour the whole capital employed—as well that which is laid out in machines and implements, and what, in speaking of land, are called improvements, as that which is set apart for the payment of wages—Sir Francis Burdett's proposition is correct. In that sense, it would be true that the smaller the quantity of labour bestowed on a commodity, the cheaper it would be; and the better, of course, for the consumer. Now, Sir Francis Burdett asserts, that corn is produced in this country with less labour than in any other. He grounds his assertion on "the fact, that so small a number of persons as compose the agricultural body, one-third of the whole population, are able, by their skill and industry, to raise sufficient produce to support the other two-thirds . . . Now there is not in the world any other country in which one-third of its population maintains the other two-thirds by their industry\*."

\* *Ante*, p. 337.

† *Ibid*.

Sess. 1826.

\* *Ibid*.

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But if by *labour* Sir Francis Burdett means the quantity of *present labour*, (which is plainly his meaning here)—if he excludes the quantity of *hoarded labour*, (or, in other words, of capital)—his original proposition is no longer true. It ceases to be true, in that case, that the price of commodities is regulated by the labour expended on their production. We must introduce another element—that of capital: and so soon as we shall have defined the price of commodities to be regulated by the quantity, not of labour, but of labour and capital, laid out in their production, it will require no discussion to prove that the *number* of labourers employed has nothing to do with the question: the question can then be only settled by determining the whole amount of capital employed in advancing the wages of labour, in procuring the implements of tillage, and *improving* the soil. Sir Francis Burdett will not assert that corn is grown in foreign countries at so great an expense, although the land may be tilled by a greater number of labourers than in England. The smallness of the number of agricultural labourers in England, when compared with the population, may prove the advances she has made in the accumulation of wealth; but it does not prove what it is alone essential to prove, that English corn can be brought to market as cheap as foreign corn—that whilst the English manufacturer is compelled to feed his labourers with English corn, he does not pay a higher rate of wages and receive a lower rate of profit, than he would do if permitted to feed them with foreign corn—that the consumer does not get less bread for the same money—in fine, that the Corn Laws, so far from being productive of “no evil consequence to any class,” are not productive of exceeding evil to many classes—to every class but the owners of land and the tithe of its gross produce.

This theory, however, in the hands of its present author, has the merit of being simply wrong: it is not produced for the purpose of screening the monopoly; in the same breath with which he utters a fallacy which might be used in defence of any monopoly whatever—and it is therefore only that we notice it—Sir Francis Burdett disclaims all wish of perpetuating the Corn Laws, and declares in favour of free trade.

8. *That the Corn Laws are productive of good, by their effect on prices—by preventing the fluctuations which they are commonly said to produce.*

We now arrive at the climax of the reasoning in favour of the Corn Laws. The reader has been hitherto conducted through a series of apologetic arguments, tending to shew the justice of that system as it regards the agriculturists, and its innocuousness as it regards the public. The logic of the landlords now assumes a higher strain. It deserts the narrow ground of selfish interests, and challenges public applause by appealing to the principle of general utility; by endeavouring to establish a connexion between the monopoly of corn and the prosperity of the public. It is true, that the course pursued, in the hands of the different speakers, requires a different ground of defence, as it proceeds on opposite principles. It is better to present the reader with a specimen of each.

For the sake of impartiality, we have taken the first passages which offend. They stand in the following array:

The Marquis of Salisbury: “What ever might be the theoretical objections to the Corn Laws, they had the practical merit of securing low prices, and thereby contributed most materially to the interests and well-being of that very class of persons who were led to view them as an evil,—he meant the manufacturing interests\*.”

The Earl of Lauderdale: “It was better for the country at large to have steady and moderately high prices, than fluctuating low ones . . . . *Extremely high or low prices of grain were equally injurious to the country*†.”

Mr. H. Sumner: “Though he had not read many books on this subject, he had read the book of experience. That book was uniform, and, except in two years, when high prices were caused by great scarcity, he had always found that years of high prices were years of prosperity to all classes, while years of low prices were those of the greatest distress‡.”

These, no doubt, are all specimens of practical reasoning; specimens of the uniformity of those who pursue with contempt and ridicule the disputes of the

\* *Ante*, p. 369.

† ——— p. 334.

‡ ——— p. 336.



political economists. We shall consume no further space in commenting on these passages; we leave them, with confidence, to the effects of juxtaposition; to the application of principles we have before established; and more especially to those which will flow from the inquiry we are now about to institute.

By those who have considered this subject in all its bearings, it seems to be generally agreed, that restrictions on the Corn Trade are in no respects more injurious than in their tendency to create fluctuations in the price of grain. In our essay last year, this tendency was represented as the paramount evil of the system. Of the fact itself, the demonstration seemed to be complete; it had long been received as one of the indisputable points, and was admitted even by those who were most deeply interested in disproving it.

But time, the great innovator, amongst the other prodigies of last year, gave birth to a theory more agreeable to the views of the agriculturists, by which a new doctrine was established:—that the Corn Market is best regulated by act of parliament—that the Corn Laws present the only means of restraining within the narrowest limits the fluctuations which are naturally incident to the trade in grain.

Pursuing that route of experience, which had already conducted him to so many brilliant discoveries, Lord Lauderdale is said to have propounded the following facts:—

“When he wished to acquire knowledge on any subject of this kind, he always looked to the experience of past times, and that experience shewed him that the constant admission of a foreign supply of corn was calculated, beyond all other measures, to create frequent alterations in its price, without sensibly diminishing its value. It would be found in the history of this country, that by an efficacious law, passed in 1670, in the reign of Charles II.\*, before foreign corn could be admitted the price in the market here must have risen to 50s., which, with the duty of 11s., brought the importing price to 61s. Looking to the value of money at that day, that sum was equal to 164s. at the present time. During the first thirty years after the passing of that act, they had wheat at 39s. per quarter. That system was continued down to 1765, and during the last thirty years of that period wheat was at 34s., shewing, that during the whole of that period, a low, and indeed a declining price, under those restrictive regulations, was constantly maintained. It was also a curious circumstance that, during the whole of the period he had mentioned, the

highest price was never more than two-thirds of that to which it rose when the system was changed to that of a free trade. . . . At the period he had mentioned (1765), a really free trade was allowed; and, at the end of eight years, the average price of grain was found to have been 21. 10s. 10d. a quarter, being 15s. 11d. higher than it had been for the long period under the formidable protection that had been granted in the time of Charles II.\*”

Lord Lauderdale proceeds to remark that the average price continued to rise, from this period, till the final exclusion of foreign grain by the enactment of the Corn Laws.

The propositions and the inference contained in this quotation are,

That during a period of ninety-five years, from 1670 to 1765, when foreign corn was excluded, the table of prices presents us with the least extensive fluctuations and the lowest prices on record:

That from the year 1765, since the establishment of a free trade in corn, and until the return to the restrictive system (we presume in 1815), fluctuations have increased in extent and frequency, and prices have continued rising:

Therefore, “That the constant admission of a foreign supply of corn is calculated, beyond all other measures, to create frequent alterations in its price, without sensibly diminishing its value.”

It has been said of natural philosophers, that to inquire with success into the secrets of nature, they must know how to interrogate her: it is not less necessary, in our researches into “the experience of past times,” that we should know how to put the question. It shall be our present endeavour to show how slenderly Lord Lauderdale is qualified to play the querist on such occasions

For the purpose of complete inquiry, we will divide the second of Lord Lauderdale's periods (that between 1765 and 1815) into two: one comprising the years 1765—1795; the other, 1795—1815. By adding a fourth (the period between 1815 and 1825), we shall include the decade of the Corn Laws.

The following table, extracted from a return to the House of Lords†, will ex-

\* *Ante*, pp. 383-4.

† Accounts stating the average price of wheat, per stat. quarter, in each year, from the passing of the act 22 Charles II. c. 13. to the present time; and the quantity of every sort of grain, flour, and meal, exported and imported in each of those years.—*Lords' Paper*, No. 100, 1826.



hibit the highest and lowest average price of wheat per statute quarter, during the successive decades of years, comprised in the four periods above mentioned.

| Ten Years, ending | Lowest Price of Wheat per Quarter. | Highest Litta. | Difference. |
|-------------------|------------------------------------|----------------|-------------|
| 1680              | 37                                 | 61             | 24          |
| 1690              | 23                                 | 41½            | 18½         |
| 1700              | 30                                 | 60½            | 30          |
| 1710              | 23                                 | 69½            | 46½         |
| 1720              | 31                                 | 48             | 17          |
| 1730              | 30½                                | 48             | 17½         |
| 1740              | 23½                                | 49             | 25½         |
| 1750              | 22                                 | 41½            | 19½         |
| 1760*             | 30                                 | 53             | 23          |
| 1775              | 40½                                | 57½            | 17          |
| 1785              | 33½                                | 52½            | 19          |
| 1795              | 39                                 | 72             | 33          |
| 1805              | 50                                 | 116            | 66          |
| 1815              | 72                                 | 122½           | 50½         |
| 1825              | 43                                 | 94             | 51          |

Of the periods thus divided, it will be observed, as Lord Lauderdale remarks, that prices were at the lowest, and fluctuations nearly at their lowest point, in the first—from 1670 to 1760.

In the second—from 1765\* to 1795—prices were considerably higher, but fluctuations less extensive.

In the third—from 1795 to 1815—prices were nearly double, and fluctuations much more than double, when compared with the second period; and,

In the fourth—the decade of the Corn Laws, from 1815 to 1825—although prices had nearly fallen to the standard of 1765-95, fluctuations had continued as in the third period of 1795-1815.

The accuracy of this statement is unimpeachable; it rests upon evidence admitted by all parties: the only question to be considered is the cause of the diversity in the rates at which prices appear to have varied during the several periods.

Before this diversity can be attributed to the restraint or freedom of the foreign Corn Trade, it is necessary to inquire into the fact of such restraint or freedom during the several periods of years.

\* We have omitted the five years between 1760 and 1765 (the last years of the period during which foreign corn was excluded by the operation of 22 Car. II.) for the purpose of dividing the whole period into decades of years. It will be seen, by inspecting the return, that the averages are not affected by this omission.

It is stated by Lord Lauderdale, that the duty imposed in 1670, by the act of Charles II., was so high as to effect a total prohibition of foreign grain for a period of more than ninety years. Lord Lauderdale undoubtedly means, that the yearly amount of imports during that period was usually insignificant, and, excepting three years (1729, 1757, 1758) was always exceeded by the exports.

This he calls a restricted trade.

We read, however, in Adam Smith, (an author with whose work Lord Lauderdale's familiarity is undoubted), that—

"The distress which in years of scarcity, the strict execution of these laws" (22 Charles II. and the subsequent acts) "might have brought upon the people, would probably have been very great. But, upon such occasions, its (their) execution was generally suspended by temporary statutes, which permitted, for a limited time, the importation of foreign corn."—"The necessity," he continues, "of these temporary statutes sufficiently demonstrates the impropriety of this general one."

By an act of 1 William and Mary, a system of bounties was established on the exportation of corn, for the purpose of preventing the home market from being overstocked in seasons of abundance. This bounty (5s. per quarter on wheat) was so effective, that it sometimes cost the public in one year more than three hundred thousand pounds†.

By the proper application of this machinery, it would be found (if it were worth while, on this occasion, to detail the results of a minute historical inquiry) that the tendency to fluctuation was checked with as much effect as it probably can be under the existence of a prohibitory system.

In the first place, the tendency to a fall in price, in years of plenty, was checked by a heavy bounty on exportation. In the next, the tendency to a rise, in years of scarcity, was counteracted by a temporary repeal of the importation duties, and by substituting a prohibition, instead of the usual bounties, on the exportation of grain. The censure bestowed on this system by Adam Smith is undoubtedly just; but it cannot be denied, that a uniform adherence to the statutes of Charles II. and William and

\* *Wealth of Nations*, book iv. chap. 3.

† *Ibid*, loc. cit.



Many would have produced more extensive fluctuations, and more disastrous effects\*.

Thus much for Lord Lauderdale's long period of "a restricted trade."

The second period, that of 1765-95, was ushered in by the establishment of a new system, "in many respects better than the ancient one, but in one or two respects perhaps not quite so good†." By the statute 13 Geo. III. (1773) the high duties upon importation were taken off so soon as the price of wheat rose to 44s. the quarter; and at 48s. the quarter, wheat was admitted at a nominal duty of sixpence: the old bounty of five shillings the quarter upon exportation ceased, so soon as the price rose to 44s. instead of 48s., the price at which it ceased under the former act. It appears, on examining the return from which the preceding table is constructed, that, with a few exceptions in the earlier years of this period, importation, either at the nominal duty, or, at most, a duty of 2s. 6d. the quarter, was not obstructed by this law till its cessation in 1815.

This interval, therefore, presents us with the only period of a tolerably free trade in the history of the Corn Laws. As far as we can rely on the accuracy of figures, (and few things are so little precise with so much parade of accuracy,) the inference from the tabular statement is important. Counting the years by tens in the construction of the table, we were obliged to include in this decade the year 1795, for which the highest price is stated at 72s. This year more properly belongs to the third period: in this year, those causes had begun to operate which finally produced the great demand for raw pro-

duce, and the consequent high prices by which the subsequent period was distinguished. If the year 1795 be omitted, the table will present us with the following scale of price and fluctuation:—

| Ten Years ending | Lowest Price of Wheat per Quarter. | Highest Ditto. | Difference. |
|------------------|------------------------------------|----------------|-------------|
| 1775             | 40½                                | 57½            | 17          |
| 1785             | 33½                                | 52½            | 19          |
| 1794             | 39                                 | 53             | 13          |

An examination of this table will convince us, that this is incomparably the steadiest series of prices, from the year 1670 to the present day; and being distinguished by the nearest approach to a free trade, it affords a singular presumption of the inaccuracy of Lord Lauderdale's inference as to the effect of free trade in extending the range of prices.

With respect to legislative measures, the third period, from 1795 to 1815, approached as nearly to a system of free trade as that of 1765-95. But that interruption to the free commerce in grain, which was not inflicted by the hand of "the great domestic enemy\*," was produced by as powerful a foe from without; and a monopoly, not yet the gift of their own hands, though scarcely less complete, was bestowed on the British landlords by the policy of the external enemy. The capital and population of the country had long required a greater supply than was demanded in the first half of the last century. Prices had exhibited a tendency to a permanent rise during its latter half, and the war came upon us when national wealth was increasing in a geometrical ratio, accompanied by a proportionate increase in the demand for grain. Shortly after its commencement, the war assumed that feature of malignant hostility to commercial intercourse, which, when carried to its acme, was as effectual a bar to importation at moderate prices as a parliamentary vote. The following table of the charges, for freight and insurance in 1809, as compared with 1822, presents a striking instance of the prohi-

\* Thus, in 1699 (10 Will. III. c. 3) the exportation of corn was prohibited for a year. The bounties were suspended from February 9, 1699, to September 29, 1700, by 11 Will. III. c. 1. In 1709 (8 Anne, c. 2), exportation was prohibited before September 29, 1710, with power to the Queen to permit exportation sooner. In 1741 (14 Geo. II. c. 2), exportation was prohibited before December 25, 1741. In 1757 (30 Geo. II. c. 1, and subsequent acts), exportation was prohibited, and the duties on importation were removed, till December 24, 1759. — For many instances of similar legislation, see a useful pamphlet, called "A Compendium of the Laws passed from time to time, for regulating and restricting the Importation, Exportation, and Consumption of Foreign Corn," &c. — London: Ridgway, 1826.

† Wealth of Nations, *loc. cit.*

\* Lord King:—*ante*, p. 385.



bitory character of the war\*. The rates of freight, and the premium of insurance, from St. Petersburg to London, in these years, were—

In 1809, on Hemp, 30l. per ton.  
on Tallow, 20l. do.  
on Linseed, 45s. per quarter.

In 1822, on Hemp, 3l. per ton.  
on Tallow, 2l. do.  
on Linseed, 4s. 6d. per quarter.

The fluctuations in the price of grain, during this period, were beyond all former example; they, nevertheless, fell short of the fluctuation in the following period of ten years, during the operation of the Corn Laws,—a fluctuation of more than cent per cent.

The result of this investigation may be expressed in a few words. In proportion to the freedom with which foreign supplies have been admitted, the range of prices has been contracted:—a conclusion so repugnant to that which Lord Lauderdale has drawn from the same sources, that it would affect us with vehement surprise, had we not learned from experience that there are no facts so stubborn which will not take any bent, when viewed through the medium of a man's peculiar interest.

We have not, however, by this conclusion, decided all the objections to a free trade in corn, on the score of its tendency to augment the variation of prices. Mr. Whinnore, in summing up the objections of the landed interest to such a trade, observed, (and we quote the observation, instead of picking up the scattered remarks from the little speeches of the country gentlemen) that—

"It was said, that if the ports were opened, we should be deluged with foreign grain at one time, and half-fed through scarcity at another—that agriculture in this country would be ruined—that we should be totally dependent upon foreigners for support: and that those foreigners would create artificial scarcities in time of peace, and afford no grain for subsistence in time of war."

It is true, we are told by Lord Lauderdale, in that rare spirit of consistency which distinguishes the opinions of these practical philosophers from the reasonings of the political economists, that—

The most mischievous principle that can be adopted by this country was, to rely on fo-

\* Tooke's High and Low Prices, p. 211. Second edition.

† *Ante*, p. 329.

reigners for a supply of grain. If it were true, that when the crop was small in one part of Europe, it was sure to be great in another, then there would be some certainty about the matter. But the fact was not so. If they looked to the corn-trade throughout Europe, they would find that, when there was a bad season here, there was also a bad season on the Continent, especially in the north of Europe, whence the great supply was to come. *Therefore, they would be inundated with corn in a year of plenty, but in a year of scarcity they would not be able to procure the requisite supply.* The law of nature was opposed to such a system; but, independent of that, it would be affected by municipal laws. If they examined the law of France, the law of Sweden, and the law of other countries, on this subject, they would find that provision was made to prevent corn from being exported when it was at a certain price\*.

On this occasion, however, Lord Lauderdale has differed from his brethren at the expense of the whole argument. It is enough to observe, that if importation can only take place in years of domestic plenty—whether from "the law of nature," or of princes it can never take place at all. It will not take place in years of scarcity,—because, says Lord Lauderdale, the scarcity being general, the rise in prices will be general; and we cannot import unless our prices exceed those abroad. The facts being granted, we shall not dispute the inference; we shall only give it its due extension. Importation, then, will not occur in years of plenty, because the plenty being general, the fall in prices will be general, and we cannot import unless our prices exceed those abroad. So long as we proceed on the supposition, that the alternations of the seasons correspond in all parts of the world, (a supposition which has no other defect, than that of being contrary to universal experience,) so long must we admit that the fluctuations of price will correspond; and, on such a theory, unless we can import at all times, it is plain that we can import at none. That theory, however, should allay the anxiety of Lord Lauderdale with respect to the consequences of free trade: in his view of the facts, the proof of the inutility of a free trade is no doubt abundant; abundant also is the proof of the inutility of a restricted one: and were it merely to silence clamour and dispel delusion, the landlords could but gain, by flinging their obnoxious and unprofitable protection to the winds.

It is, however, a more interesting in-

\* *Ante*, p. 383.



quiry, to ascertain the probability of that "deluge of foreign grain" with which the advocates of free trade are threatened by the zealots for monopoly.

The countries which, in the event of a free trade, would furnish us with supplies of grain, would regulate those supplies (for a considerable time) by the extent to which the manufactured goods they now obtain from other quarters, or produce at home, could be advantageously imported from Great Britain. The present surplus of raw produce, which they annually exchange for foreign imports, is all they can now command for the purpose of exportation. All they could command, in any case, by abandoning their present manufactures, and importing them from abroad, would consist of their present surplus, and the additional quantity which the capital released from manufacture would produce, if applied to tillage. We do not speak of the surplus which might be produced hereafter by the accumulation of capital, and the growth of those institutions which favour the increase of wealth. The object of our inquiries with respect to this question, is the surplus which can be brought into the market *speedily*. Unless a large quantity can be poured at once into the market, to speak of a *deluge* of foreign corn is a mere "insignificant rhetoric."

It is also unnecessary to inquire, with relation to this point, as to the actual accumulations which may exist in the foreign granaries at the period of opening the ports; the influx of such accumulations would, of course, be checked by proper provisions in the law.

To estimate the surplus which may possibly be sent into the British market from foreign countries, we must first ascertain the surplus which they now export in exchange for foreign manufactures, and the amount of capital which may probably be turned from other branches of production in those countries to the production of raw produce. It is evident that these circumstances admit of no accurate estimation; but exactness, even if within our reach, would be little more conducive to use, than the approximations which our actual knowledge will enable us to attain.

During the first twenty-five years of the present century, we have drawn our supplies of every species of grain from foreign countries in the following proportions:—

|                                      |     |
|--------------------------------------|-----|
| From Russia, Poland, and Prussia,    |     |
| with an insignificant portion from   |     |
| Sweden, Norway, and Denmark . . .    | 11½ |
| From Germany and the Netherlands . . | 8   |
| From France and the South of Eu-     |     |
| rope . . . . .                       | 1   |
| From North America . . . . .         | 2½  |

It appears, therefore, that nearly one-half of our supply has been hitherto drawn from the nations of the north of Europe.

With respect to the circumstances above described as indicating the *power of supply* in foreign countries, we have, as far as the northern countries are concerned, the highly probable evidence of Mr. Jacob.

The first country described in Mr. Jacob's Report is Prussia. Of the manufacture of that country he observes, that—"those Prussian provinces to which my chief attention was directed, have never been manufacturing districts, although they have, during a long series of years, made both linen and woollen cloths for their own use. They have had rather domestic labour, than any establishment for the purpose: of late, however, attempts have commenced upon a larger scale, and projects were in agitation of various kinds, for making woollens and cottons in manufactories where the aid of machinery was to be applied. The chief inducement to those attempts was the low price of provisions, and the consequent expectation of a low rate of labour. They were, however, but attempts, and were not viewed with any very promising expectations by the persons I had any opportunity of conversing with on the subject. They seem to be rather the creations of the Government, than the spontaneous issue of the deliberate calculations of capitalists, seeking for beneficial modes of employing their money\*."

Of the limited demand for those products of manufacturing industry, which require the employment of large capitals, the following description of the state of the labouring population—comprising, in that country, the immense majority of the consumers—will afford an adequate conception. Speaking of this class, Mr. Jacob says, that—"If disposed to labour beyond the time required for their own land, there is a difficulty in obtaining employment, and in the winter months, which are

\* Jacob's Report, pp. 22-3.



" long and severely cold, no agricultural work can be performed. The flax and the wool spun in their cottages must supply the clothing of the family; and the fat of the animals they kill must be converted into soap and candles. Meat of any kind can be rarely afforded to be eaten by such families; and only the few that are more prosperous than their neighbours can keep a cow to supply them with milk. They consume nearly all they produce, and are considered happy if they have a sufficient surplus for sale to meet the demand of a few shillings annually for the payment of their trifling taxes and local assessments\*."

" This large description of the inhabitants live in dwellings provided with few conveniences, on the lowest and coarsest food; potatoes or rye, or buck wheat, are their chief, and frequently their only food; linen, from flax of their own growth; and wool, spun by their own hands, both coarse, and both worn as long as they will hold together, furnish their dress; whilst an earthen pot, that will bear fire, forms one of the most valuable articles of their furniture†."

The same remarks, almost in the same words, are equally descriptive of the manufactures, and the demand for manufactured articles in Poland. The paltry manufacture of coarse cloth for the Russian market, where that article finds purchasers from the high duties imposed on the products of English and German industry,—and the few establishments for making linens, cotton, iron wares, and paper for home consumption, appear chiefly to subsist by the aid of capitals advanced by Government. Of the peasantry it is observed, that they live in wooden huts, covered with thatch or shingles, consisting of one room, with a stove, around which the inhabitants and their cattle crowd together, and where the most disgusting kinds of filthiness are to be seen. Their common food is cabbage, potatoes, sometimes, but not generally, pease, black bread, and soup, or rather gruel, without the addition of either butter or meat. Their chief drink is water, or the cheap whiskey of the country,

" which is the only luxury of the peasants, and is drunk, whenever they can obtain it, in enormous quantities. . . . In their houses they have little that merits the name of furniture; and their clothing is coarse, ragged, and filthy, even to disgust\*."

To complete the description of these countries, with reference to our present purpose, it is only necessary to place before the reader the following account of the operations of agriculture:—" In general, the soil of the maritime provinces of Prussia is so light, that it may be easily ploughed with two oxen, and those of diminished size, and no great strength. I have not unfrequently seen, on the smaller portions of land, a single cow drawing the plough; and whilst the plough was guided by the owner, the cow was led by his wife. . . . The various implements of husbandry are quite of as low a description as the working cattle. The ploughs are ill constructed, with very little iron in them. The harrows are made of wood, without any iron even for the tines, or teeth. The waggons are mere planks, laid on the frame loose, and resting against upright stakes, fixed into the sides. The cattle are attached to these implements by ropes, without leather in any part of the harness. The use of the roller is scarcely known; and the clods, in preparing the fallow ground, are commonly broken to pieces by hand, with wooden mallets. In sowing, the seed is carried in the apron, or the skirts of the frock of the man, who scatters it on the ground†."

These extracts are decisive. Countries in this state of poverty can possess nothing worthy the name of capital, when contrasted with capitals in England, which could be diverted from manufactures to the soil: their demand for foreign manufactures must be of the most diminutive amount; and by abandoning their commerce with the countries from which (if such a commerce exist) they are at present supplied with wrought commodities, they would confer but little favour on our own manufacturers, and send but little corn into our markets. It may also be remarked, that if the protection afforded by the Government to the Polish manufactures be the result, not of the exclu-

\* Jacob's Report, p. 19.

† *Ibid*, p. 21.

\* Jacob's Report, p. 27.

† *Ibid*, p. 20.



our raw produce from the British, and of the sapient policy adopted with energy by the United States, in the prohibition of making Poland market for herself—there is an end to our fear of importing a single bushel of her raw produce. How absurd, to suppose that the supplies from Prussia would be poured into our market, as the flood anticipated! How unreasonable, with Mr. Baring, that the foreign merchants would not in the first year of a free trade, enter the English market, nevertheless the foreign growers put their heads above ground next year—and in the power of supplying this country he from Mr. Jacob—knowing that he could not do without them, would take care that there should be a abundant supply \*.”

Foreign grower can put in no more than his implements will enable him to do, and how “the knowledge that he cannot do without them” will be the number of Polish ploughs, good for Polish serfs, is far from a prudent proposition.

then, as credit can attach to the produce before us, it appears that any supply from the northern countries is impossible, till the accumulation of capital shall enable the Polish and Prussian farmers to produce a more abundant supply. This being ascertained, the question of the prices at which they export their surplus, becomes of less importance than has been attached to it. It is, however, the permanent price of English corn at about 50s. the quarter, the estimates of Mr. Jacob, seem to be somewhat over-rated, and tend to shew that, so far from apprehension of “a deluge,” a duty of so great magnitude—a duty even in a small degree, what is to counterbalance the taxes on corn in England—would amount to a total prohibition. In his “attempts to calculate the cost of wheat to Prussia,” in the north of Europe, he candidly admits the difficulty of the task, and the necessary uncertainty of the results. The reader, therefore, will excuse his own discretion in adopting the following estimates of the probable

prices of importation from Prussia and Poland :—

|                                                             | s. | d. |
|-------------------------------------------------------------|----|----|
| Total cost price of wheat per quarter in Prussia .....      | 31 | 0  |
| Shipping charge, and merchant's commission, or profit ..... | 2  | 9  |
| Freight, primage, and insurance to London .....             |    | 80 |
| Lighterage, landing charge, and commission in England ..... | 1  | 3  |

Price in the English market . . . . 43 0

By similar calculations, the export price of Polish corn is rated at 48s. and 45s. 6d. the quarter (shipped from Dantzic), as estimated upon the average prices for ten years, at Warsaw and Cracow \*.

Great stress has been laid by some on the supplies we may derive from the Black Sea. On this subject we shall cite the remarks of Mr. Whitmore :—

“There can be no doubt of the large exports which take place every year from that quarter—larger, perhaps, than those which are drawn from the Baltic. I have great doubts of any considerable portion of that corn finding its way to the English market. My reasons for these doubts are as follow :—the Black Sea is in the immediate vicinity of countries regularly importing corn; Constantinople, Malta, the Grecian Archipelago. Some parts of Italy and Spain draw their foreign supplies from thence, and commonly exhaust its stores; and it appears, by a return presented to parliament last year, that from the 5th of January 1817, when the imports from the Black Sea were first distinguished in the accounts kept at the Custom House, up to 1826, only 50,155 quarters of wheat have been imported into this country from thence; the year of largest import is 1819, when it amounted to 20,685 quarters. The distance is so great, that the expense and risk attending such an import are great impediments to its becoming an extensive traffic; and I have been assured by a merchant of great eminence, thoroughly acquainted with the Corn Trade, that the wheat hitherto sent from thence has been of a description known in commerce by the designation

\* *Ante*, p. 364.

\* Jacob's Report, pp. 24-29-40



"nation of sour flour, and utterly unfit for the purpose of food\*."

With respect to Germany and the Netherlands, we have no specific evidence. In the first place, it does not appear in what proportion the imports from those countries consisted of native produce: in the next, we have no statistical account of the state of their farming and manufactures. We know, however, that those parts of the Continent have experienced a great fall in the price of agricultural produce, and of course a considerable loss of agricultural capital: we know, too, that their manufactures are extensive, and not likely to be supplanted by our own. We may, therefore, conclude that their exports of native grain would not increase in the fearful ratio which the fears of the landholders suggest.

The other countries from which corn may be imported into Great Britain, are France, and the states and colonies of North America. The countries bordering on the Mediterranean, some of which were once the granaries of the world, are reduced by bad government to a condition even worse than that of the north of Europe; their produce is scarcely sufficient to keep off the approaches of famine. Considering the mania for protection which prevails in the councils of France—their determination to manufacture for themselves—their corn laws—their increasing wealth and population—and the actual price of wheat, which costs to the grower, on an average, not less than 6s. the bushel†, there seems no probability of our deriving any copious supplies from that quarter; and, although all these causes are not in operation in Canada and the United States, the anti-commercial tariff of the North American government would for some time present a serious obstacle to an extensive exportation of grain‡.

It seems, therefore, from this rapid review of the evidence in our possession, that the anticipations of a speedy and extensive fall in the price of corn from the amount of foreign supplies, are altogether destitute of foundation. The shortness of our sketch has prevented us from

examining the evidence with that minuteness which it may seem to require; but, independently of our limited space, we may observe, in justification of our brevity, that the same evidence has been repeatedly submitted to criticism, and always with similar results.

The same causes which would prevent an immediate deluge of foreign grain,—namely, the impossibility of exporting that which has no existence—would prevent a deluge at any future period, after the establishment of a free commercial intercourse. It is only necessary to remember, that the ordinary surplus required by this country would be all that, one year with another, would be produced abroad: from such a surplus no deluge could occur: that a greater than the common surplus could be suddenly brought into the market, we have already attempted to disprove.

In confirmation of these remarks, we shall adduce an example which affords an apt illustration of the gradual rate at which the exports of raw produce advance, even under circumstances highly favourable, in comparison with those of the northern countries, to the accumulation of stock. We mean the example of Ireland. The imports of all sorts of grain from that country, beginning in 1802, have increased in the following proportion:—

| Years.     | Quarters. |
|------------|-----------|
| 1802 ..... | 467,067   |
| 1803 ..... | 343,548   |
| 1804 ..... | 316,958   |
| 1805 ..... | 306,923   |
| 1806 ..... | 466,947*  |
| 1807 ..... | 463,406   |
| 1808 ..... | 656,770   |
| 1809 ..... | 933,558   |
| 1810 ..... | 632,849   |
| 1811 ..... | 430,189   |
| 1812 ..... | 600,268   |
| 1813 ..... | 977,164   |
| 1814 ..... | 812,805   |
| 1815 ..... | 821,192   |
| 1816 ..... | 873,865   |
| 1817 ..... | 699,809   |
| 1818 ..... | 1,207,851 |
| 1819 ..... | 967,861   |
| 1820 ..... | 1,417,120 |
| 1821 ..... | 1,822,816 |

\* Letter to the Electors of Bridgenorth, p. 75.

† Jacob's Report, p. 47; and Return from the Consuls of the Prices of Foreign Corn, for 1825.

‡ See Return from the Consuls, &c.

\* By 46 Geo. III. c. 97 (1806), the free interchange of every species of grain was allowed between Great Britain and Ireland, subject only to the regulations attaching to goods removed coastways.



|            |           |
|------------|-----------|
| 1822 ..... | 1,063,089 |
| 1823 ..... | 1,528,153 |
| 1824 ..... | 1,634,024 |
| 1825 ..... | 2,203,962 |

This table proves the impossibility of extensive and sudden importations, either at the commencement, or during the course of a free trade: it also proves, what we shall now discuss in a few words, the permanent tendency of such a trade ultimately, and by degrees, to augment the amount of importations.

In our endeavour to dispel the apprehension of excessive importations, we must not be understood to countenance the strange doctrine which some opponents of the Corn Laws have put forth, in order to reconcile the landed interest to a free trade,—a doctrine which, by proving that foreign corn could never be imported into Great Britain at a less cost than it can be grown there,—that is, that it could never be imported at all—unhappily proves, at the same time, that the Corn Laws have no real operation either for good or evil. We were certainly not prepared to find in Mr. Whitmore's pamphlet (which is only an authoritative version of his speech in the last session of Parliament, and which we therefore quote in preference to the speech itself) so singular an oversight as this:—

"It remains now to be seen what effect would be produced on our agriculture by the renewal of the trade in foreign corn; and the inquiry is the more necessary, as, upon this as upon other parts of the subject, great exaggerations have prevailed. Both friends and foes of the Corn Law unite in one common opinion,—namely, that the admission of foreign corn will have the effect of driving the poor land out of cultivation; and they have thus raised an alarm in the minds of the agriculturists, which creates the most serious difficulties to those who advocate an alteration of the law. Nor is it to be wondered at; for if that were indeed the effect to be produced, the misery and desolation it would create throughout the country would be such, that, deeply as I am convinced of the necessity of a change in the law, I own my zeal would be considerably abated by so dismal a prospect. My opinion, however, is, that no such effect would be produced. I do not believe a single acre, now cultivated with profit, would cease to be cultivated after the alteration of the law. My reasons on which this persuasion is founded are these:—In the first place, although the average price of the last three or four years exhibits a great fall, as compared with that which existed between 1810 and 1820, the latter being 87s. 10d., and the former under 60s., I am not aware of any quantity of poor land having been thereby

thrown out of cultivation. I have neither seen nor heard of it; and being myself an occupier as well as a proprietor of poor land, I can take upon me to assert, that if, in some partial instances, such an effect has been produced, it at least has been any thing but extensive. The effect which has been produced, I believe to be this, that very expensive manures have not been purchased so largely, and spread with so prodigal a hand upon the land; that draining and other expensive improvements have been carried on with less rapidity, and that clover leys have in some instances been allowed to lie down for a longer period than heretofore\*."

It is impossible for any person, so well acquainted with this question as Mr. Whitmore, not to find, on mature reflection, two capital fallacies in this passage. If no poor land should cease to be cultivated, or what is, in fact, the same thing, should be cultivated with a smaller capital, the institution of a free trade in corn would be next to useless. For what is the end of a free trade? Is it not to secure a constant supply of foreign corn? Without a constant supply, it is impossible to obtain the advantages held out as an inducement to such a trade,—the advantages of procuring cheaper corn, and, by extending the field of production, of contracting within their narrowest limits the fluctuations incidental to the Corn Trade. But how can a foreign supply find its way into the British markets, so long as they are engrossed by the present quantity of British produce? How can it ever make its way, but by supplanting an equal proportion of British produce? How can it supplant that produce, but by underselling it, and rendering the cultivation of the poorer soils less profitable than the importation of grain—less profitable than any other mode of employing capital? And, finally, how can those soils be cultivated, for any considerable period, at a lower rate of profit than is yielded by all other employments? It seems, however, that Mr. Whitmore is misled by a partial observation of facts. Admirable is the remark of Dr. Cullen,—a remark of which the applicability is not confined to the art of medicine,—that "there are more false facts in the world than false theories;" and few facts are so false as this. Mr. Whitmore says, that no poor land has been withdrawn from cultivation since 1810, notwithstanding

\* Whitmore's Letter to the Electors of Bridge-north, p. 79.



the difference of prices. It is certain that Mr. Whitmore should be competent to make the proper observation as to the fact, being himself an owner of poor land. If, however, none of his poor land has been thrown out of cultivation, how does Mr. Whitmore account for the diminution of his rent-roll? No doubt from the simple circumstance that the "very expensive manures," above mentioned, "have not been purchased so largely, and spread with so prodigal a hand upon the land;"—no doubt from the more niggardly use of "draining" and other expensive improvements;"—no doubt, from the greater age to which the "clover leys" above spoken of have lately been permitted to attain;—in short, from the subtraction of capital from the soil: and in what respect the subtraction of capital is different in its effects on the extent of agricultural employments, from the abandonment of inferior soils—in what respect it can be more palatable to the landed interest—we leave to be explained by Mr. Whitmore, who has so ably shewn, in another work, that their effects are one and the same\*.

Undoubtedly a free trade in corn would be followed by a permanent fall in the price of agricultural produce. We have given what we consider highly probable reasons for believing that the fall would not be great: but the greatness of the fall is not the material point. What is material, is the establishment of a regular importation—a system by which the comparative abundance of other countries may at all times be at hand to relieve any scarcity in our own, and thereby prevent the excessive range of prices to which a narrow field of cultivation is obnoxious. It is also most probable, that, however small the supply we might at first be able to derive from foreign countries, it would gradually and constantly increase. The gradual accumulation of capital, in the exporting countries, would enable them to send us yearly a larger quantity at a cheaper rate, and year after year would the bad soils of England be abandoned, till the cost of producing grain abroad had reached its minimum. At that point, the greatest security would be attained against fluctuations in price which

can be accomplished by the intervention of man; and we should then be exposed to the mutability of the seasons only. What, therefore, it is desirable to effect, is the gradual abandonment of the bad soils: or what is the same thing, the abandonment of the expensive culture to which they are now subjected, and by which corn is raised in price to that excessive rate, which renders every casual abundance the cause of enormous variations. "It is well known in England," says Mr. Jacob, "that under a great depression of the price of corn, the poorer lands suffer a much greater proportionate depreciation in their sale price than the more fertile soils\*:" and Mr. Whitmore has remarked, as an irresistible argument in favour of a free trade in corn, that "the fall of price from 80s. per quarter to 40s. is a very different thing from the fall from 60s. to 40s.†;" in other words, the fluctuations when the price of corn is raised by expensive tillage—by the cultivation of inferior land—are very different from those which occur when moderate prices are secured by the tillage of good land and moderate cost of production.

The result of this inquiry shews that the common opinion, with respect to the influence of free trade in equalizing the prices of corn, is unshaken by the arguments we have just analysed. It derives, indeed, additional strength from the exposure successively inflicted on every argument produced against it.

#### 9. *Utility of the Corn Laws in rescuing us from a dependency on foreign nations for a supply of grain.*

Anxious as we are to omit no fallacy on this subject, but circumscribed to the exposure of those which are advanced in the parliamentary debates, we have been able to add but one more to the present class—to the class of patriotic fallacies.

"A free trade in corn," it is said, "would reduce us to a dependence on foreign countries for our supplies of the first necessities of life."

This opinion, which is daily re-iterated in every variety of phrase, has seldom been expressed with more artfulness than in the following characteristic passage:

\* See Mr. Whitmore's "Letter on the Present State and Future Prospects of Agriculture," &c. (1823).

† Jacob's Report, p. 14.  
+ Letter to the Electors of Bridgwater, p. 19.



Speaking of the Corn Bills of last session, Lord Ellenborough is reported to have used the following language:—

“He begged their lordships to recollect that what was innovation one year became precedent next year, and rule the next. (Fallacy—*dread of innovation*). If the present measures should be agreed to, the result would be, that we must always admit bonded corn. (Fallacy of *distrust—always because once*). He thought the landed interests deserved every encouragement consistent with the general interest of the country. (Truism). He objected to an extensive foreign trade in corn—he desired never to see our granaries placed in the hands of those who were jealous of our national greatness (hear, hear).”

For other, but less expressive versions of this sophism, let the reader turn to any page of the debates, or any speech at any county meeting or agricultural club.

We deny it, however, in spite of the pertinacity with which it is daily spread abroad, for reasons which have been frequently stated and never answered; but which, as they are either unknown or suppressed by those who utter the fallacy in parliament, must be repeated till they are made known and acknowledged, or refuted. In our humble speculations, we have no hankering after the praise of originality: more especially in speculations like the present, in which so little that is original can be said: we are content (if that merit shall be conceded) to be useful.

We may certainly suppose a case, without exceeding the limits of possibility—although it has never happened; and, so long as we judge from the immense preponderance of probabilities, never will happen—in which a dependence on foreign countries for an annual supply of grain would reduce us to a state of starvation. Absurd as the supposition will appear, we must in candour make it. It is that of a simultaneous embargo on the exportation of the usual supply of corn to Great Britain from every port of extensive export in the four quarters of the globe. On any other supposition—on any supposition that deserves a moment's attention—the argument is egregiously false.

An embargo of this nature might originate, and could only originate in a combination of the major part of the governments of the exporting countries. To ascertain the probability of this event,

it is only necessary to ascertain the interests of a majority of those governments with respect to such a combination.

The interest of a government is the interest of the predominant class: the predominant class, in most of the countries from which our imports of corn would be derived, is the class of landowners. It is plainly the interest of that class to extract the greatest possible revenue from their property; in other words, to sell their corn to the highest bidders. Deviations from this principle may occur; but, like other particular exceptions, they do not shake the general rule. It is plainly, therefore, the interest of those by whom the majority of the exporting countries are governed, that exportation should always take place so long as the foreign is higher than the home market. But the very existence of a constant trade between this country and any country exporting corn, supposes that the British market is higher than the home market: exportation would otherwise cease. It supposes that British goods may be had in greater abundance for a smaller quantity of corn than goods of domestic manufacture.

Such being the interests of the respective governments of those countries which supply us with corn, upon what principle of human nature, or by what example in history, can it be believed that any number of those governments would combine to inflict an evil on this country at the expense of a greater evil to themselves, “out of jealousy of our national greatness?” Alliances between ambitious governments—and ambition is the only principle which could call forth a combination of this kind—even for purposes more congenial with their several interests, are by no means stable, or effective. The Holy Alliance itself—an alliance of all the purer aristocracies against every people, for the preservation of all that is most dear to those aristocracies, the preservation of their power—already totters from intestine discord. If a union so beneficial, that nothing but the most stupid selfishness on the part of the several confederates can account for its dissolution, have failed, how can it be believed that the same parties would combine efficiently to humble a single nation?

But what, it may be asked, if a current scarcity in the corn-growing countries should produce the same effect with



respect to England as a hostile combination of their governments? Admitting that this event will not occur from motives of political enmity, may it not be, at times, adopted for reasons of domestic policy; as the means of subduing discontent or averting famine?

Convinced that "like antecedents are followed by like consequents," we do not fear to answer in the negative. Once more, what is the interest of the land-owners? Not that the price of corn should be low, but that it should be high. But if it be their interest, in years of plenty, to exchange their grain for British goods, it can be no less so in years of scarcity. A rise in the price of corn would not alter the relative proportion between British and domestic goods: whatever might be the price of corn, it would still be the interest of the foreign growers to exchange it for British manufactures; and as, in the majority of instances, the grower of corn is the ruler of the country, the exchange would of course take place.

Nay, more,—it is not only the interest of the land-owner; it is no less the interest of the people, that the Corn Trade should remain unshackled in times of scarcity. During the late famine in Ireland, it was a frequent topic of popular declamation, that whilst the people were perishing for want of food, there were daily exportations from that country to England. This language, however expressive of sympathy with the sufferers, evinced but little knowledge of the causes to which the suffering was really owing. That part of the exported produce which was not exchanged for the superfluities of life, for what was it exchanged? For those articles of English production which were necessary to enable the Irish capitalist to persevere in employing his capital in its usual extent. If those articles had been wanting—if, instead of procuring them, the food by which they were purchased had been distributed amongst the people at a price artificially depressed, by prohibiting its exportation, the consequence must have been a contraction of the capital of the country. A contraction of the national capital would have been followed by a decrease in the production of the next and all subsequent years; and thus a measure adopted to mitigate a present famine—and that only in a very limited degree—would

have given rise to a succession of famines for years to come.

From neither of these circumstances, therefore, does it seem probable that our supplies could be endangered. Let us examine a third case—the case of a continental war.

The only war which could produce the effect of a general embargo, would be a war between England and all Europe. This has happened once: it is not likely to happen again; but the examination of what occurred on that single occasion, will suffice to shew what would occur hereafter, in the event of a similar conflict.

To raise the price of corn *by degrees*, and so to impose upon this country a burden like that with which she is now loaded by her own Government—the burden of the Corn Laws:—such was the result of the late war between the Continent and Great Britain.

By a series of extraordinary conquests, a gigantic enemy may succeed in checking, to a great extent, the exportation of corn throughout Europe: but what, in the meantime, must be the consequence at home? The demand for corn continuing, and the supply decreasing, prices will rise, and more capital will be gradually spent upon the soil; hence, with the diminution of external supply, our internal resources will increase, and fill up the void. To this it may be answered, that a long period of free trade in corn may produce too great a population to be fed by the resources of the country: that, in such a case, war is starvation, and we are wholly at the mercy of our enemies\*. To obviate such an occurrence, it may be said, it is better, by a timely restraint on the importation of grain, to prevent a population from growing up whose necessities shall exceed the power of the country to supply them.

\* It has been said by Mr. Whitmore and Lord Liverpool, that the produce of this country is *not sufficient* to meet its consumption. The phrase is ambiguous, and admits of several explanations. But supposing it to mean—and supposing it to be true—that a sufficiency for the wants of the population can no longer be obtained from the soil—the question as to the utility of a foreign trade is put at rest for ever. Come what will, we must continue to import, or starve—an alternative, if we may use the solecism, in which there is no choice.—For Mr. Whitmore's remarks on this point, see *ante*, p. 351. See also Col. Wood's reply, *same page*. For Lord Liverpool's observations, see *ante*, p. 373, and again, p. 384.



To this argument we propose the following reply.—We admit that, under a combination of extraordinary circumstances, like those which occurred in the last war—a combination to which the history of Europe affords no parallel example in time past, and will scarcely afford another, speedily, in time to come—the power of a colossal despotism may render commerce so dangerous as to raise the price of foreign grain, by a succession of arbitrary decrees, to the exorbitant prices experienced during the late war with Europe. And it can do no more. There is no punishment so atrocious, which will not be as fearlessly braved, for the sake of an adequate reward. The difficulties with which the brutal arm of power may interrupt the channel of commerce, may add much to the price of a prohibited commodity; but when that has attained a certain height, the smuggler—the champion of civilization in the last resort—steps in: encouraged by public approbation, and impelled by private gain, he defies the penalty which awaits detection, and mitigates, by a useful violation of law, the enormous evils of so detestable a policy. Of this we have a singular proof in the events of the last war.

"It should be remembered," says Mr. Dooke, "that when the power of the great enemy on the continent—and such an enemy we were not likely to meet again—was at its height; when his decrees against all commercial intercourse with this country were sought to be enforced with the utmost severity, we found little difficulty in procuring a supply of corn, as well as of hemp and timber. It was a fact, that in the year 1810, when there were apprehensions of a scarcity, we imported 1,500,000 quarters of corn, more than we had ever before imported in one year; and this, let it be recollected, when the restrictive laws of a powerful enemy were at their height. What was singular in this circumstance was, that the greatest part of those importations were from the ports of France and the Netherlands—countries which were most under our enemy's control. They would have starved us, if they had not found that the supply which we wanted would be a source of profit to themselves\*."

Such is the natural remedy for the excesses of military ambition, when directed to the suppression of trade.—There is, however, one aspect under which this question may be viewed, and in which it is never viewed in parliament; an aspect

perhaps the most important, not only of this, but of all other measures of free trade; namely, their tendency to diminish the chances of war, by converting our national enemies into fast friends; by removing their "jealousy of our greatness;" by making our greatness as much their interest as our own. To this happy consummation nothing could more directly lead than an unrestricted intercourse in the necessaries of life. When the principal countries of Europe shall have become mutually dependent on each other for a great portion of their raw produce and manufactures, we may expect a speedy termination of the barbarous wars which are the scourge of humanity, and which, whilst they last, must repress all effectual improvement in the condition of the mass of mankind.

II. Such are the proposed reasons against innovating in the system of the Corn Laws. If the replies which we have made should seem sufficient, how, it will be asked, shall we account for the pertinacious adherence to a system for which the reasons are so plainly inadequate?

Speaking of the Corn Laws of his own time, which, bad as they were, cannot be compared to those of 1815 and 1822, without injustice, this is the remark of Adam Smith: "Nothing seems necessary for the repeal of such regulations, but to convince the public of the futility of that system, in consequence of which they have been established."

Of the futility of these laws, the public, that is to say, that portion of the public who reflect upon the corn tax as well as pay it, have long since been sufficiently convinced; and if the public were the law-makers, the repeal would have been long since effected. On this subject, however, to use the plain language of Lord Milton—plain language describing plainer facts—the public "are placed at the mercy of the landlords, and the legislature are composed of those landlords. The landlords form a body of men, not numerous, but powerful. They are the members of parliament, and those who make the members of parliament\*"—and those, therefore, to whom it belongs to enact, amend, and repeal. To convince this body of legislators "of the futility

\* Speech at the City of London Tavern, April 18th, 1825.—(*Times*.)

\* *Ante*, p. 335.



"of that system," is a far more difficult task. To convince them of its futility with respect to public interests, that, perhaps, may be in time accomplished; to convince them of its futility with respect to their own interests, is impossible; impossible, we mean, if our theory of the Corn Laws be correct; if it be true, as it seems to be past doubting, that these laws are beneficial to the landlords precisely from the circumstances which makes them injurious to the public. How, therefore, consistently with the plainest dictates of experience, can we expect from such a legislature as this, a voluntary repeal of what they know to be of great advantage to themselves? How many are the instances, even of individuals, abandoning public abuses which were profitable to themselves? If these be so lamentably few, as to be regarded whenever they occur, as instances of heroic virtue, we may assert, without the possibility of contradiction, that in the case of large bodies of men, no such instance can be found in history. Do we therefore mean to aver that every member of the landed interest, without exception, however great may be the public suffering resulting from a certain course of action, would necessarily prefer that course, if tending to his own advantage, to any course which might militate against it, however conducive to public benefit? in fact, to use the language of common life, that there are nothing like disinterested motives in human nature—that the narrow considerations of self interest prevail in all men, and on all occasions, to the exclusion of every social motive and every benevolent feeling?

We know that this interpretation has been attempted to be fixed upon all occasions on the language of those men, who from reflection and habit have acquired so much sympathy with the people, as to find an interest in detecting the arts, and unravelling the sophistry of those who find a greater interest in misleading them. Language, like that we have just used—assertions that the selfish prevail over the social interests in the case of bodies of men and the concerns of Government—has in our case been averred to mean, that

"Whoever pretends that he acts upon public principle, from a sense of duty, is an impudent pretender, or quack, who, in opposition to the unvaried experience of ages, would have

us believe that he is exempt from the common incident of humanity, the disposition to prefer self to others\*."

This objection, if sincere, is too foolish; and, if insincere, too dishonest, to require a deliberate answer. Opinions like these never entered into the head of any man, unless we may make the exception of those who could deliberately (if deliberately, and not rashly) impute them as the legitimate inferences from the sentiments expressed above.

So far from entertaining opinions of this extravagant nature—so far from denying the existence of public principle in the instance of excellent individuals, we are indeed very far from imputing *deliberate* selfishness, even to the great mass of those over whose language and conduct the selfish motives exert a predominant sway. When we accuse the majority of the landlords of judging and acting in this question from motives of self-interest alone, do we mean that every individual of that body voted for the enactment, and votes every session for the continuance, of the restraints on the corn trade, with the distinct intention of sustaining the rate of rent at the expense of the whole British people? Assuredly, we mean nothing of the kind. We are well aware of the all but irresistible influence which the affections, in other words, the interests, of men exercise over their judgments; of the ease with which they glide into the opinion that that is best, which is best for themselves; how, by dwelling on the favourite idea, they cannot see any opposite idea, and how what they wish to be true, they easily believe to be true. The fact is notorious; the statement of it is proverbial.

That such persons should deny the operation of selfish motives on their actions, is no more than any man would expect; in such cases, men's actions speak more sincerely than their words †.

Amongst those members of Parliament who belong to the landed interest, there are doubtless individuals whose sympathies with the people are so strong as

\* Edinb. Review, vol. xliv. p. 687.

† Mais se peut-il que les motifs, qui agissent sans cesse sur l'esprit d'un homme, soient un secret pour lui-même? Oui, certes, cela se peut. Rien de plus aisé, rien de plus commun, disons plus—ce qui est rare, ce n'est pas de les ignorer; c'est de les connaître. (*Politique des Assemblées Législatives*, (Bentham) par Dumont, tom. ii. p. 237.)



to overcome "the natural disposition to prefer self to others;" there are also individuals of an opposite stamp; individuals who, whether blinded by sinister interest, or deliberately yielding to its impulse, exhibit nothing, which does not amount, in its effects, to a sacrifice of others to self. The existence of such a class of individuals, we shall proceed to prove; the proportion they bear to the whole number cannot, indeed, be shewn, the majority (like all majorities) being dumb: but upon this head the course of universal experience can leave no room for doubt.

It is useful to observe the tactics played off by this body of men. They consist of a string of fallacies, put forth with far less precision, as less able to bear the light, than those which are bottomed on the basis of public good: now and then, however, an indiscreet or unskilful tongue, betrays the modesty of selfish motives—and hints are dropped, and imprudent confessions, and barefaced threats are made, which, though they do not display the whole system of selfishness, are highly valuable in enabling us to illustrate its real nature and extent. For this purpose we have selected, as before, a set of the leading fallacies, which we shall examine in the following order:

1. For the purpose of removing suspicion as to their motives, and asserting a claim to peculiar favour, may be observed a continued iteration of encomiums on the landed gentlemen, and professions of disinterested motives.

2. An assumption of the necessity of supporting the influence of the landed gentlemen, coupled with intimations of their intention of supporting it themselves—with avowals more or less explicit of selfish interests.

3. Intolerance of discussion.

4. A protestation against altering the Corn Laws, without compensating the landlords for the fall in rents.

5. A proposal to effect the compensation by a tax on funded property, &c. &c.

1. On the class of these fallacies, consisting of mere *laudatory personalities*, remark is almost superfluous. The following are a few examples:

Mr. Calcraft.—"It was unfair to say that the country was in the gripe of rapacious landlords, and that the landlords were the only obstacles to its having cheap bread. Give the landlords of England the same chance as the  
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landlords of other countries, and they would sell their corn as cheap. *The landlords of this country had long been renowned for their generosity*, and he knew of nothing which they had recently done to impair that character\*."

Mr. Sumner.—"There were no gentlemen who had a more national character than the landlords, or who more deeply sympathized with the distresses of the community†."

Mr. Curwen.—"He was anxious to rebut a charge made upon the land-owners, that in keeping up high prices they were looking only to their own interests (hear, hear). He should blush at rising in his place, if he felt that such a stigma deservedly attached to that body (hear, hear). But he was glad to know that such was not the case. In advocating their interests, they were advocating those of the public at large‡."

Without commenting on the probability of the truth of these asseverations, it is obvious to remark their irrelevancy to the matter in hand. It may be shewn, perhaps, that the landlords are not men but angels: it will not, however, be the less certain, that the laws against a free trade in corn, are *bad*. The value of these declarations, as a *vindication of motives*, may be appreciated from the remarks with which we introduced the section. We shall only add, that the asseverations themselves are mere asseverations: that resting on no specific proof, specific disproof is needless: that counter asseverations have precisely the same claim to credit: that in addition to their infirmity as mere asseverations, they are asseverations in their own favour; and when prisoners are acquitted at the Quarter Sessions, on swearing to their own innocence, we may think of reverting to these *dicta*, as evidence of the magnanimity of the landlords.

But there are other fallacies of this nature which admit of, and require a more specific answer. When the Earl of Lauderdale reproaches Lord King

"with heaping aspersions on a body of men distinguished for their generosity, who had made a more generous provision for the poor than any other men, and whom the noble lord nevertheless chose to stigmatize as grinding the poor§;"

it is right to remind him, that however generous the motives which induced the ministers of Queen Elizabeth to commence that system of demoralizing the poor, it is pretty certain that their generosity was bestowed at the expence of the nation—

\* *Ante*, p. 323.

† — " 336.

‡ *Ante*, p. 377.

§ — " p. 327.



it is pretty certain that every act of the "generous body" for a long series of years has been directed to getting rid of that portion of the poor-rate which they pay as consumers of corn—it is pretty certain, too, that supposing them to have advanced their money to the poor, they avoid the consequences of their generosity by a law, which enables them to add it to the price of corn.

The Duke of Atholl's opinion of "generosity" is still more economical. A petition against the Corn Laws had been presented from the weavers of Perth, whereupon the Duke of Atholl communicates the following information to the House, and adds a very singular remark.

"He could inform the house," he observed, "that a few years ago, when those very people were in distress, no less than 1500 of them were maintained by the landed interest of the neighbourhood, and he had in his possession letters from them which were full of expressions of gratitude for the kindness they had experienced. *It was a poor return for these very men now to petition against the persons who had fed them.\**"

Let the reader mark the steps by which this conclusion is arrived at. In consequence of the depression of prices, to which (as we have shewn above) the Corn Laws themselves had conduced, 1500 weavers in Perth were left without the means of support. In this conjuncture, the landed interest of the neighbourhood—very laudably—relieved them from starvation; for in Scotland there is no "generous provision" by which such relief can be enforced as a legal right. But this relief, it seems, is not to be repaid by thanks—it is not merely eleemosynary—it is a bargain; it is a stipulation by which, in consideration of the temporary aid of the landed interest, the weavers are to be for ever estopped from opposing the landlord's Corn Law. This is the strict interpretation of the Duke of Atholl's remark. But a bargain is the exchange of equivalents: in the tacit agreement between the weavers of Perth and the landlords, the weavers could never mean to barter their birthright for a mess of porridge; they could never mean to say that, provided they were rescued from starvation, they were willing to submit for ever to the burthen of the Corn Laws—to the annual payment of millions for the loan of thousands—to the perpetu-

ation of a system calculated more than any other to produce an endless series of the very calamities they endured, for the sake of immediate relief from those calamities.

Observations, like this of the Duke of Atholl, dropping, perhaps, casually and without reflection, may be thought not to merit the censure we have here bestowed. It is, however, precisely because they are casual and unreflected, that we judge them of so much importance. What is said in that manner, is generally the *habitual* feeling; and with what pretence can a body of landholders expect to escape the charge of selfishness, when they are perpetually letting fall expressions which denote an habitual inattention to the welfare of the million—an habitual and unreflecting sacrifice of the public good to their own advantage! In proportion as society is advanced in civilization, and the power of the aristocracy less complete, this habit is weakened and suppressed. We have only, however, to go back a stage or two in barbarism, and we shall find it in all its barefaced odiousness; we shall find a bench of Irish magistrates describing any expression of complaint on the part of the people, "as phrases . . . tending to destroy the good feeling that ever must exist in well-ordered society, between the higher and lower classes, by forcing THE JUSTLY DISGUSTED LANDLORDS to expend the income of their estates far distant from their lands, and by leaving a demoralized and unemployed peasantry to all the rigours of offended law, THAT THEIR DISCONTENT MIGHT BRING UPON THEM\*."

It will not be forgotten that the *discontent* of the Irish tenantry, a discontent at which their landlords were justly disgusted, was manifested in their voting against the landlords. It seems, from the Duke of Atholl's speech, that as voting is a demonstration of disgusting discontent, petitioning is a proof of ingratitude.

2. The next division is more important. In the following quotations the character of the misleading or corrupting bias becomes more apparent: it becomes more apparent that, on whatever ground, the landed class is to be held up as the ill-

\* *Ante*, p. 325.

\* See the newspaper reports of the resolutions of a meeting of magistrates of the county of Louth, October 3d, 1826.



important one; the class to whose interest the interest of all other classes are, or ought to be, subservient.

The Earl of Aberdeen:—"Notwithstanding all the sneers and jests which he had heard directed against the landed interest, both in and out of that house, he was still of opinion that on that interest was founded the constitutional Government of the country. He had yet to learn what had occurred to induce men to change the opinion, that the land-owners, the yeomanry, and the peasantry, formed the most valuable part of the population. These being his sentiments, he would not be backward to resist any measure which appeared calculated to injure the landed interest\*."

In the same strain, and in stronger terms, the Lord Chancellor, adopting the sentiments of Lord Redesdale †, declares,

"That he should think that the ministry were committing one of the greatest possible offences against the state if they were to propose measures calculated to injure the landed interest, for he was most fully persuaded that every other interest in the country was so interwoven with this, that all classes of the community would be sufferers by any neglect on the part of the Government to protect the agriculturists with the most fostering care; but he did not see that the present measures (the Corn Bills of last Session), were likely in any way materially to affect the landed interest. . . . As to the objection which had been urged against this measure (the Importation of Corn Bill), that it was an interference with the Corn Laws, it was without the slightest foundation: this bill had no connexion with those laws; and he would assert with the utmost sincerity, that if he thought it would at all affect them, nothing on earth should induce him to vote for it: for the support of the landed interest was in substance, and effect, the support of the constitution of the country ‡."

We beg the reader to recapitulate in his own mind the evil effects which have been a thousand times proved beyond denial, against the system of the Corn Laws; their effect on the profits of stock; their tendency to produce ruinous fluctuations; the wasteful expenditure of the national resources, by which, at a cost, it has been said (and the exactness of the statement is immaterial—it is enough if it resemble the truth)—at a cost of *fifteen or twenty millions*, they accomplish their end of putting a fifth part of that sum into the pockets of the landlords. If such a process be "in substance and effect the support of the constitution of the country,"—if to propose any change in this process be "to commit one of the

"greatest possible offences against the state," then do the words State and Constitution mean the landlords, and the government of the landlords; and the statement amounts to a plain assertion of the superiority which their interests should enjoy above those of the whole community. "*Moi, je suis l'état*," was the maxim of the French king. It seems to be no less the maxim of the English aristocracy.

In these extracts, however, the veil which conceals the seductive interests (if that is to be the supposition) from the perception of the speaker, and is meant to conceal it from the hearer, is more happily disposed for the purpose, than in those we are about to transcribe.

Speaking of the same measures alluded to by the Lord Chancellor, the following are the words of Earl Grey:

"When Government declared that they saw no means of alleviating the distress but by adopting measures for the reduction of the price of corn, what was this but holding forth an idea, that the Corn Laws were the cause of the calamities? Could it be possible, after this, that a cool and unprejudiced consideration of that great question could be entered upon? The landlords were held up, by these measures, as selfish and oppressive persons, who prevented the poor from having that relief which the repeal of the Corn Laws alone could give. He (Lord Grey) had no wish to make professions, respecting his sense of public duty; but for his own part he disclaimed any sordid and ungenerous sentiments in defending himself, and his interests, from those who attacked them. He would appeal to his whole life whether he had suffered views of personal interest to bias him! But he would not deny that he felt a natural anxiety to preserve that property to his family which had been handed down to him from a long line of ancestors (hear, hear). This was the feeling of their lordships generally: and although no man was more willing to make any personal sacrifice for the good of his country, he felt it was a hardship that the house should be so placed by the acts of Government, that for the part they might take in that debate, they should expose themselves to obloquy, for having openly, honestly, and fairly, proposed their opinions, and defended their rights. Whatever might be the odium attached to opposing the present measure, he was prepared to encounter it\*."

"He had not taken part in this debate from personal considerations, though he knew not why a candid avowal of regard to private interest should not be allowed to those belonging to the land, as well as to members of all the other classes. It was by the care which each class bestowed on itself, that the welfare of the whole was best promoted †."

In this passage we remark the struggle

\* *Ante*, p. 370.

† *Parl. Review, Sess. 1825*, p. 705.

‡ *Ante*, p. 381.

\* *Ante*, p. 381.

† *Ante*, p. 382.



with which a vigorous mind endeavours to extricate what happens to be a peculiar interest, from the operation of an incontestible principle. It is sufficient to contrast the phrases. Lord Grey first speaks of "defending his interests;" and in the same breath denies that his conduct was ever biased by such views. For the vituperative epithets of "sordid and ungenerous," let us substitute a neutral term—let us speak of *selfish* sentiments, and we shall find the noble person disclaiming all selfish sentiments at the very moment when he talks of his "natural anxiety to preserve his property in his family\*," when he lays claim to applause for "a candid avowal of regard to private interest," and (overlooking the circumstance of the whole power of Government being vested in a single class) concludes with the broad position that "it is by the care which each class bestows on itself, that the welfare of the whole is best promoted."

How just is the remark of South, "that whatsoever puts a bias upon the judging

\* Speaking of the natural desire of every man to preserve that property in his family "which has been handed down from a long line of ancestors,"—speaking of this desire, as justifying the imposition of a heavy tax on the community, it may be worth while to remind the highly-descended persons in whose lips this language is so graceful, that if the phrase be meant for an argument, it were better to make it accurate in the terms.

By property, no doubt, is understood the value of property—the rental, and not the estate. At what knot in the "long line" the rent of land was higher, or so high, as it would be now under an open corn trade, we have not succeeded in discovering. Taking so recent a link in the chain of illustrious progenitors, as the generation of 1770, we find from Mr. Easton's Evidence (Lords' Report, 1814), that "in the parish of Bradford, in Somersetshire, from the year 1773 to 1782 the price of land was about 19s. 6d. per acre, exclusive of the church and poor rates and repairs, which were then paid by the landlord. From 1783 to 1792 the land was worth about 20s. 6d. an acre, the landlord being subjected to the same burdens. From 1793 to 1802 the land was worth about 30s. an acre, the tenant then paying the rates; and from 1802 to 1812 the land was worth about 40s. an acre, to the landlord, the tenant paying the poor-rates, as in the last case." Will noble persons maintain that the lands handed down from their ancestors will be impaired in the possession of posterity, by being reduced to the ancestral rental? As well might the rector aver that a law which should trench upon the 109l. per annum, which he received in 1814, in lieu of 47l. 13s. the amount of his tithes in 1792 (Lords' Report, Mr. Buxton), was an invasion of the property of the church.

"faculty . . . weakens, and by consequence darkens the light of it. A clear and a right judging conscience must be always impartial; and that it may be so, it must be perfectly *indifferent*: that is to say, it must be free, and disencumbered from every thing, which may in the least sway, or incline it one way, rather than another, beyond what the sole and mere evidence of things would naturally lead it to. In a word, it must judge all by *evidence*, and nothing by *inclination*\*."

In an early period of the debates on this question, we find the following language attributed to Sir Francis Burdett. Speaking of those persons (and mistaken, certainly, they are) who attribute the misery of the lower classes to the sole operation of the Corn Laws, he says that

"This sort of declamation was idle at the best, and moreover was calculated to excite mischief, and stir up feelings of animosity against the most important class of the country, on whom alone our power depended—he meant the landed interest (cheers). He knew the character of the land-owners—for he belonged to that interest himself—and he could say with perfect impartiality, that throughout Europe, throughout the world, and even in that portion of the new world which he was inclined to view with a favourable eye, on account of its liberal institutions, there was not a set of men to be found who could be compared with the landed proprietors of England for the exercise of all the virtues—and most important ones they were—connected with their situation†." (Cheers.)

On examining this passage—loud as were the cheers which it elicited—we admit that nothing definite can be concluded from it with respect to the nature of those virtues which are so lavishly attributed to the landed gentlemen: but we gather from the frequent recurrence of eulogistic epithets, that it was at least the speaker's intention to impute extraordinary merit, and bestow extraordinary praise.

What, then, was our astonishment on reading a second speech of Sir Francis Burdett's on Mr. Whitmore's motion for a committee? In that speech, besides vindicating the harmlessness of the Corn Laws, by a train of very shallow sophistry—besides imputing the highest degrees of excellence to institutions, which tend, in fact, too often to engender the anti-social interest we complain of, in the breasts of the land owners, Sir Francis

\* Sermon at Christ-Church, Oct. 29, 1693.

† *Ante*, p. 324.



Burdett takes occasion to assert, and to re-assert, not once or twice, but many times, the propriety of voting on the question of the Corn Laws, not on public principle, but on grounds of private advantage.

"He was not," he said, "so disinterested as not to feel for himself and those belonging to him; and if, as a gentleman of England, possessing a landed estate, he could feel that the measure in question was likely to be seriously injurious to him, he should oppose it. But he was convinced, that in maintaining the station in which accident had placed him, he was but supporting the interests of society in general \*."

Again:

"He was not prepared to say that—in a different view of this question,"—(if he thought the Corn Laws conducive to the interest of the land-owners,)—"he should be inclined to merge his whole personal rights and interests in a scheme for the public advantage. The rights and interests of those immediately connected with him, whether they ought to do so or not, would, he believed, have weight with him, in preference to any general consideration †."

He adds, that

"If he believed, with the country gentlemen, that there was any need of the Corn Laws, he should feel it his duty, as well as his interest, to maintain them. This he did not believe to be the case ‡."

Lastly:

"He did not think, therefore, that he was, as a landed gentleman, making any sacrifice by voting for the motion: he laid claim to no great virtue in doing it, but he thought he was promoting the public interest by such a vote, and not injuring the landed interest §."

The history of this language (which we will not characterize by an epithet) we believe to be this. Sir Francis Burdett, (unless our memory deceive us,) was formerly a supporter of the Corn Laws; he once, we feel assured, subscribed a sum or sums for the purposes of Mr. Webb Hall's association. With many others, he has seen cause to change his opinion; and these expressions may possibly have been used with a view to obviate suspicion as to the motive for the change—to obviate any suspicion that the change was a sacrifice to popularity, that it was any thing but the result of impartial inquiry. 'True,' it may be construed to mean, 'I once thought

otherwise; but I now believe that the Corn Laws are not essential to the welfare of the land owners, and as I would assuredly support whatever tended to promote our welfare, you have the best possible proof of the sincerity of my present language.'

If this may be admitted to excuse, it cannot justify the language in question. What a man deliberately says, he is generally understood to mean; the mass of mankind will assuredly so interpret his language, whatever qualifications it may receive from the candour of individuals. Considered in its literal meaning, what is the force of these expressions? They convey a maxim of universal extent; there is no reason for limiting its application to this or that particular question: if it be true in the instance of the Corn Laws, it is true of any other legislative act. The lesson it teaches is this: that in matters of Government the advantage of individuals, where it *can* be, *may* be avowedly preferred to the public good; the interests of the few, to the interests of the many:—the reverse of the maxim on which any thing like good Government must be founded; that is, a preference of the many's interest to the interest of the few. That the interests of individuals, where they can be, will be, preferred to any other consideration, is, generally speaking, undeniable; that they will too often be preferred under a Government constituted like our own—a Government on which the force of opinion acts only from a distance, and at second-hand, is not to be disputed. He, however, who pursues such conduct, is not the less an enemy to good government, and however blameable it may be *to act*, it can scarcely be less blameable to *approve—to recommend—to teach*. The effects of an act often cease with the perpetration of the act; but a lesson is meant as an encouragement to many acts, and a direction for their performance.

How necessary it is to visit such expressions with censure, to deter the governing body, by the only penal instrument in the hands of the public—the expression of their dispraise—from conduct inimical to the public; and more especially that part of the Government (the House of Commons) which is more accessible to censure, may be still more plainly inferred from the conduct of that portion of the Government—the

\* *Ante*, p. 337.

† —, p. 338.

‡ *Ante*, p. 337.

§ —, p. 339.



House of Lords—who are truly stated to be “more exempt from the influence of popular clamour and prejudice than the other house”—that is, more completely irresponsible, more perfectly exempt from control. What is the House of Lords, that *would be* the House of Commons, were it not for their less complete exemption from popular “clamour.”

In a memoir circulated among the land-owners of a part of the continent, and printed in Mr. Jacob's Report, is the following singular passage:—

“Our ardent hopes for a rise in the prices of corn, founded on the expectation that England may open its ports, have unhappily again vanished. The new liberal policy adopted by England, with regard to commerce, has not been extended to the corn trade; and the motions of Mr. Huskisson and Mr. Whitmore, as well as the numerous petitions that were laid before Parliament, did not meet with any success. It is doubtful whether they will have a better fate in the next sessions, should even a new parliament assemble; the influence of the members of the House of Lords, whose interests (in this instance) are at variance with those of the community at large, being too prevailing.”—Jacob's Report, (Appendix,) p. 64.

According to the Earl of Limerick, this passage is a libel upon the House\* ;—Lord Lauderdale is “convinced that no member of that House would look to any other object in the discussion than the ‘public good†;’” and many other noble lords are doubtless ready to declare the exemption of their body from the common incidents of our nature. It would seem, however, that Lord Liverpool takes a less exalted view of the moral purity of that house. So little is his confidence in their disinterestedness, that in the midst of a speech on the currency, he purposely goes out of his way, to counsel moderation in their debates whenever the Corn Laws should be discussed:

“He was afraid,” he said, “from what he could observe in the house, that when that subject came on to be discussed, a great deal of heat and passion would be evinced on both sides. But he would recommend their lordships to look at it as one which called upon them to take a cool and dispassionate view of it; not with the consideration as to whether the rents of the landlords, or the wages of the labourers, were to be high or low; but with a view to discovering what would be most likely to produce the least violent fluctuations of property. The truth lay there, and he who solved that problem would come to the wisest conclusion. In alluding to this subject, he had gone out of his way; but he had

been led to it by referring to the fluctuations of property, and he could not help intreating of their lordships, when they came to consider it, to do so coolly and dispassionately, and with reference to the whole community\*.”

With reference to the whole community! But observe the language of the noble Earl, when debating the two Corn Bills of last session.

“He would tell the noble lords,” he said, “who complained of the injurious effect which the present measures would have on the general question of the Corn Laws, that if any such effect was produced, it was the fault of those who opposed them. It was well known that when the measures were first proposed in the other house, they were hailed universally as well by those who supported the agricultural interest as by those who supported the manufacturing interest. It was owing to the opposition offered to the measures in the House of Lords, that the opposition exhibited in the other house took place. Those who introduced the measures stated that they were not intended to have any effect on the question of the Corn Laws. The opposers of the measures, by putting it into the heads of people that they were connected with the general question, had done that which they alleged ministers to have done†.”

Such language in the mouth of a Prime Minister is sufficiently plain; but if we wanted an interpretation, it is presented in a speech of Lord Carnarvon, who, speaking of the same measures, observed that—

“They had been introduced to their lordships by the noble earl (Liverpool) in a speech by no means complimentary nor constitutional.—a speech, which amounted almost to menacing their lordships with the public execration, should they refuse to pass these measures; but, notwithstanding that speech, their lordships would do their duty to the country—without any sordid motive or self-interest, but voting without any bias, as they thought was best for the welfare of the whole community‡.”

The reader may choose between the opinions of these noble persons. In the meantime, we may point out an ingenious project proposed by the Earl of Aberdeen (all tending to betray the influence of sinister interests in the house) for eluding the censure of the public. It occurs in the following passage:

“It would be wise,” he said, still speaking of the Corn Bills, “on the part of the landholders not to put forth a strong opposition to these measures. They were bound to make some sacrifice, if it were only to the prejudices of that large class who were looking forward with anxiety

\* *Ante*, p. 363.

† *Ante*, p. 322.

\* *Ante*, p. 327.

† *Ante*, p. 351.

‡ *Ante*, p. 383.



to the decision of this question. Their lordships possessed no great a share of the love and respect of the people as the more popular branch of the legislature. By the nature of their constitution they were more exempt from the influence of popular clamour and prejudice than the other house. He was the last man that would yield any thing to clamour or intimidation; but he thought that their lordships had now an opportunity, without compromising their own dignity, and by giving up little or nothing, to remove from themselves the odium which too many persons were anxious should attach to them. This was of the question, could not, he trusted, be over-looked by their lordships.\*

This expedient, however, of flinging a tub to the whale, is too moderate for men in possession of power. We have seen with how little precaution they betray their sinister motives—it is useful to select a single instance of their betraying the consciousness of their power, and the barefaced mode in which they exhibit its use, in furthering these sinister interests.

3. It occurs in the tumultuous insolence with which Mr. Whitmore's motion was debated. Prudent men, even when strong enough, still refrain from the open exercise of power when their ends may be attained without exciting the dislike which such a use of power is sure to occasion. This prudence is commonly resorted to by the landholders who rule the Parliament: it is resorted to whenever their interests are not immediately concerned. Not so, however, on this occasion,—an occasion in which their dearest interests are in issue, and which calls forth all their spleen, and exhibits all their intemperance. Let the reader turn to the report of Sir Francis Burdett's speech†: he will there see with what impatience even a favourite speaker was treated, at the close of a debate of no extraordinary length—a debate in which not a single speech (the cursory observations of Messrs. Sumner, Curwen, and Wodehouse, cannot be called so) was delivered by that majority of 250, who rejected the motion with disdain. If we should quote the contemptuous language in which Mr. Brougham described the tumult which attended this ceremony, we should probably be called coarse and ill-mannered: we must, therefore, refer the reader to the passage‡.

4. 5. This essay has already extended so far beyond our ordinary limits, that we are compelled to dismiss the remaining heads of the present section without particular comment. The topics contained under these heads are, (4.) A claim of compensation by the landed interest for the toll in rents which may ensue upon a repeal of the Corn Laws, and (5.) A proposal to effect the compensation by an increase of the national debt. On these subjects we can only afford space to insert the following extracts.

FRIDAY, FEB. 24.—Lord King presented a petition against the landlords' rate—the bread-tax, or the corn law, from the operative weavers of Perth.

The Earl of Linlithgow begged to know whether the petition contained any proposition for compensating the landlords on account of the loss they would sustain by an alteration of the law?

Lord King.—“No. The weavers of Perth have too much good sense to put so absurd a proposition into their petition.”

To the following observation of Lord Grey we shall revert hereafter: that nobleman is reported to have used, and the House of Lords to have applauded, the language of this passage:

“I admit that faith with the public creditor ought to be kept by great sacrifices, if sacrifices are of avail for that purpose. But it is a sound maxim of law, that *nemo tenetur ad impossibile*, and if the Government be placed in a situation in which it is impossible to keep the country in a state of decent prosperity, it is not required to do impossibilities, and so throw the whole state of society into confusion by attempting them” (loud cheering)†.

Such language requires little comment, and we dismiss it, for the present, without regret, as we shall find occasion to dwell upon the proposition it insinuates, in the concluding essay of this volume. If such, however, is the language of one landlord, we are bound to notice with approbation the sentiments expressed by another. Sir T. Lethbridge told the house, that—

“They must consider that they had 30 millions to pay the public creditor; and he would rather sell the coat off his back than that he should be defrauded of what was fairly due to him. The nation was bound to pay its debt, and the credit of the nation would be destroyed by the slightest infraction of it‡.”

\* *Ante*, p. 370. † *Ante*, p. 337.  
‡ *Ante*, p. 337.

\* *Ante*, p. 322. † *Ante*, p. 344.  
‡ *Ante*, p. 349.



We notice this passage with greater pleasure, as we rarely happen to concur with the speaker in any opinion on this question.

The proceedings we have thus described and criticized, whilst they distinctly point out the causes of the perpetuation of the Corn Laws, point also to the means by which these causes may be removed. So long as the landlords are to all practical purposes, the exclusive "members of parliament, and those who make the members of parliament," and so long as public opinion is directed against them with so little concentration and force, there can be no reason to hope for any effective change. Landowners are not worse than other men: they only act as all other men would act if clothed with irresponsible power. The one thing wanted is to strip them of that power: to effect it, the only practicable method is to strengthen the force of opinion, and to raise up a power without the doors of Parliament, which shall control the deeds of those within it—a power which shall compel them to reform themselves. So far as our humble efforts can contribute to this end, by presenting the proceedings of the legislature to the public eye, under every aspect and in every form, in that view they will be steadily directed.

#### *Silk Trade.*

THE law for the admission of foreign manufactured silks on payment of an *ad valorem* duty of 30 per cent. passed in 1824; but the operation of the act was deferred. The time fixed for the removal of the absolute prohibition on the introduction of these goods for home consumption which then existed, and for the commencement of the new system, was the 1st of July, 1826. The attempts made to induce Parliament to re-consider this law, or still further to postpone the enforcement of it, gave rise to some discussions in the session of which the proceedings are now under our review.

The steps taken in 1824 to prepare for the introduction of the new system, deserve some notice, not only on account of their effect on the opposition offered to that system in the last session, but because the experience of their result may be of use on future occasions. At the time when it was enacted that foreign manu-

factured silks should be admitted into consumption in 1826, the high duties which existed on the import of raw silk were at once reduced. The removal of the prohibition on manufactured silks was made prospective, in order to give warning to our manufacturers; the reduction of the duty on raw silk was made immediate, in order to give them encouragement. The import tax on East India raw silk was reduced from 4s. to 3d. per lb.; of European raw silk, from 5s. 6d. to 6d.; of organzine, or thrown silk, from 14s. 10d. to 7s. 6d.

In order to stimulate consumption by an immediate reduction of price, and at the same time to remove complaints as to the depreciation of stocks in hand, the duty which had been previously levied, was repaid not only on the raw but also on the manufactured silks in the hands of the merchants, manufacturers, and even shopkeepers. The probable effects of this expedient for preparing the way for the introduction of the new system, and for reconciling the manufacturers to the trial, must have been very insufficiently examined.

If any evil was apprehended from the removal of the prohibitory system, it must have been, that the admission of foreign silks would produce inconvenience and loss to our own silk manufacturers, rendering useless a part of the property of the masters, and lessening the demand for the labour of the men. But this was an evil likely to be felt (other circumstances being equal) in proportion, to the amount of capital employed in the Silk Trade; and to pave the way for the opening of the trade, it would have been rational rather to have diminished than increased the extent of the home manufacture.

The effect to be expected from the almost entire removal of the tax on raw silk was, that the consumption of silk goods would be greatly extended; and it followed as certainly from this extension—more especially at a period of great commercial speculation—that much new capital would be attracted to the manufacture of them. The actual result was very striking. The quantity of silk, raw and thrown, imported in 1823, was 2,512,164 lbs.; in 1824, it increased to 3,137,000 lbs.; and in the first nine months of 1825, it was 3,431,000 lbs. New looms were made, new mills set to work, new factories built. In Macclesfield, one of the chief seats of the Silk Trade, at



advertisement was issued for from 4000 to 5000 persons, who were offered employment in this manufacture. It has been said, that this influx of people was called for to break up a combination among the workmen in the silk trade; but the existence of a combination which required such an effort to break it, proves the extent of the demand which existed for the labour of the combiners. The price of labour was not the only price affected; the demand caused by the impulse which had been given to the consumption of silk, occasioned an advance of price, which at last became more than equal to the tax which had been removed. Raw silk rose from 9s. to 24s.; thrown silk, from 33s. to 53s. per lb.

Thus, by this "preparatory step," and by a sacrifice of some consequence to the revenue, a host of enemies to the new system was raised up—a multitude of new workmen exposed to the hazard of the experiment, and to the certain inconvenience of the suspension of demand which preceded it. This step seems to have been taken in consequence of the representations of the manufacturers themselves, who alleged that the amount of the duties formed a great discouragement to their trade. From this vague declaration, they wished it to be inferred, that to remove this discouragement was the way to enable them to meet foreign competition. But this discouragement was in fact only an increase of the cost of production, by means of a tax which tended to restrict the demand for the goods of the supply of which these manufacturers had the monopoly. A reduction of the tax was in its first effects advantageous to the monopolists themselves; an increase of demand beyond the immediate means of production was produced, and an encouragement to the trade was given, by transferring to the pockets of the monopolists a part of the tax, before levied for the benefit of the public.

A peculiar obstacle to the introduction of the new system, was raised, by this reduction of duties, in the increase of the throwing business. The duty on raw silk was reduced in a greater proportion than the duty on thrown silk; a great increase of the business of throwsters took place, and a great inducement was afforded to invest capital in this branch of the trade. But as the time for the removal of the prohibition drew near, the high price of

thrown silk was one of the disadvantages of which the weaver most loudly, and most justly, complained. The remedy would have been to have removed the duty on its importation; but to this removal, the increased importance of the throwing trade, in this country, presented itself as an objection. The duty on thrown silk was, however, subsequently reduced.

The mistaken policy of these preparatory measures has been scarcely ever publicly adverted to, because the persons engaged in the silk trade gained by them, in the first instance, at the expense of the public. But we think their nature is sufficiently established, to serve as a warning against a resort hereafter to plans for the encouragement, or extension, of a monopoly, as a preparation for breaking it down.

At the end of 1825, and the beginning of 1826, the silk trade suffered from a reaction, not greater than that experienced in some other manufactures, but produced in part by peculiar causes. The quantity of capital drawn into the trade in 1824, and the speculative demand which had been created, had raised the price of the raw material. This gave the first check to consumption, which was subsequently still further diminished by the pecuniary distress prevailing at the time. The silk manufacturers of London convened a public meeting, where, among other extravagances, they declared that a duty of 60 per cent would not protect them against the French silk goods. The intelligence promulgated by these competent practical authorities, that foreign silks admitted at 30 per cent duty would make all home-made goods unsaleable, contributed to induce the retail dealers to diminish their purchases, with a view to clear away their stocks. Under all these circumstances—some arising out of the expectation of foreign imports—some out of the measures taken to prepare for the new system—some out of those taken to frustrate it—some entirely accidental—a considerable degree of distress existed in the silk trade, which threatened to raise a formidable opposition to the removal of the prohibitions at the time fixed by law. Nothing can shew more plainly the feebleness of the opponents of the changes in our system of trade, than the figure which they made in their opposition, in spite of the mistakes of their adversaries.



It should be observed, that a short time before the opening of the session, the ministers issued an order that 5s., instead of 7s. 6d., per lb. should be levied on foreign thrown silk, taking bond in the usual way for the payment of the additional 2s. 6d., if Parliament should not confirm the reduction. This reduction (blameable only because it was too tardy, and too small) was confirmed.

Petitions were presented, soon after the opening of the session, from the silk throwsters and manufacturers in various parts of the kingdom, and after a few previous conversations, a set debate took place in the House of Commons, on the motion of Mr. Ellice for referring these petitions to a select committee.

The debate on this motion was looked forward to as the grand struggle between the theoretical and practical men, and preparations seem to have been made by the latter party, to overwhelm their antagonists by imputations of want of knowledge, unsoundness of judgment, and hardness of heart.

"The minister," Mr. Baring observed, "should consult before he legislates the practical man, who looked at the effect while the theorists were calculating upon the cause, and who *told* them, that a thing was not so, when they proved, by direct ratiocination, that it must be so\*." The meaning of this seems to be, that it is extremely unwise to trust to reason in opposition to the assertions of practical men, and that though we might prove by reasoning that two and two must make four, we ought to be satisfied with the information of practical men, if they tell us, that they *do* make five.

As they condemn reasoning, a few specimens of their facts will be instructive. By their facts they must be judged; and if we believe them in future, we must do so, in spite not only of reason but of experience.

1. Mr. Baring: "The master silk weavers were unanimous in their opinion, that if French silks were let in, there was no chance of selling a single yard of English silk†."

2. Mr. Ellice: "It was evident that the proposed protection of 30 per cent would be perfectly nugatory. It would be no protection at all‡."

3. "At St. Etienne, and at Lyons, there were no less than 12,000 looms for the manufacture of fine ribands, and it was calculated, that of these, 3000 were sufficient to supply all the markets of Europe\*."

4. "In one little town in Switzerland, more real capital was embarked in this branch of manufacture (the silk trade), than was employed in it throughout the whole of this country†."

5. "It was known that, at the present moment, there was a stock in the warehouses in Switzerland, sufficient for the consumption of this country for four years to come‡."

To the two first of these assertions, the result is a sufficient answer: the two last are unparalleled in the annals of commercial credulity. In one little town of Switzerland, (so little that Mr. Ellice apparently had forgotten the name), the Electors of Coventry had persuaded their representative, that more capital was employed than in the whole silk trade of England—a trade, which, according to Mr. John Williams, gives employment to 500,000 persons, and the value of the produce of which is estimated at about 14 millions sterling. It never seems to have occurred to Mr. Ellice, to ask upon what the capital in this little town could have been employed. He took, however, a nice distinction between capital and securities:—"They (the manufacturers of Switzerland) did not deal in bills, and other securities of that kind, as was the case here, and which had lately led to such calamitous results. No; they traded in actual *bonâ fide* capital§." Mr. Ellice seems to have imagined, that factories are erected and weavers fed by bills and other securities; but surely if this were the case, we should have a vast advantage over our competitors. This is a fine instance of the use of the catch-words with which practical minds content themselves. It happens in this country, that the persons who employ capital are not always the proprietors of it; and, as Mr. Ellice has probably seen traders who are called men of no capital, and who carry on business without money or goods of their own, by getting possession, on credit, of the money and goods of others—he has applied the phrase to a great branch of

\* *Ante*, p. 409.

† *Ante*, p. 386.

‡ *Ante*, p. 388.

\* *Ante*, p. 389.

† *Ibid.*

† *Ante*, p. 390.

‡ *Ibid.*



manufacture. Mr. Ellice may be assured, however remarkable it may appear, that when money is borrowed, money also is *lent*, and that a house and a bale of silk do not cease to be a house and a bale of silk, because the one is built with borrowed money, and the other bought upon credit.

But what is the use of proving by ratiocination, that the capital which employs some unknown portion of the population of a town of 15,000 people in a cheap country, cannot be so large as that which actively employs 500,000 people in a dear country? The practical men set the matter at rest by saying it is greater. What is the use of suggesting that if 3000 looms would supply all Europe with ribands, 12,000 of them would not long continue to be employed in two towns of France?—The thing is so. What is the use of doubting whether silks, equal to four years consumption of this country—that is to say, in value about 56 millions, at our prices—can be stored up in Switzerland; or whether its inhabitants, who have been commonly deemed poor, can possess, on the average, every man, woman, and child, about 30*l.* worth of silk goods at our prices? The fact is so: practical men have said it; and for the idle theorists who are “calculating upon the cause” of such a phenomenon, we may observe, that Mr. Ellice assures us, the Swiss take care always to sell for ready money. As it would take all that the mines of Mexico can produce for fifteen years to purchase this stock of silks, no wonder it accumulates.

But the practical men must alter their form of expression: and as, heretofore, in opposition to the proof that a thing *must* be so, they opposed their declaration that it *was* not so; *now*, they may assert that the result must be as they predicted, in opposition to the proof, that it is not. The importation of foreign silks, and especially of French silks, is quite insignificant, compared with the extent of the trade; and Mr. Ellice’s fifty-eight millions of silks from Switzerland, the average difference of price in favour of which, as compared with our own manufactures, was from 50 to 60 per cent and from 60 to 100 per cent\* on figured goods (per Mr.

Baring, p. 410,) have not “yet come to” “hand.” It will be necessary, therefore, for our practical men, guided, according to their favourite doctrine, by circumstances, not only to claim, as of wont, exemption from the conclusions of reason, and faith in their wildest predictions; not only to challenge belief for the most extravagant and absurd assertions respecting the state of other countries, in opposition to evidence carefully taken from witnesses, subject to severe examination,—all which, on the mere strength of the word practical, they are as of right entitled to;—but to demand that the nation shall be blind to facts, passing under its own eyes.

It is not however in facts merely that practical men are great; they have the sole privilege of tenderness of heart, which was claimed in their behalf by Mr. John Williams. This gentleman quoted with approbation—as applicable to theorists who pursued their abstract principles, independently of “any consequences”—Mr. Burke’s description of the quality of heart, possessed “by a perfect metaphysician, which exceeded that of the devil”—“himself in malignity, and contempt for “the happiness of mankind.” It is strange enough to see a plain, sober man, like Mr. Williams, following the champion of the age of chivalry in such a flight. It well became one whose habit was to exaggerate—whose business was to cover with the glare of eloquence every evil which was strong enough to threaten mankind with durability, and to turn into horror at improvement the regret which should be felt at the necessary evils of change,—it well became him, passing by tyrants and conquerors, to fix the charge of contempt for the happiness of mankind, upon the perfect metaphysician.

In attributing exclusively to those who carry into effect improvements in laws and institutions, a state of mind which is by no means peculiar to them—and by imputing to them as a vice the performance of the most arduous and useful of all duties, Mr. Burke attempted to corrupt, in a most pernicious manner, the moral feeling of mankind. It is true that men

100 per cent (by which they mean, we believe, 50 per cent); and Sir James Graham has told us that the Austrian currency was depreciated 400 per cent, which means, taken literally, that a pound note was worth sixty shillings less than nothing.—(*Corn and Currency.*)

\* *Ante*, p. 393.

\* This is a form of arithmetic which prevails in parliament, especially among practical men. We hear them speak of property depreciated



who have made up their minds upon a calculation of consequences, to a certain line of conduct, and having persuaded themselves that the line they have chosen is that productive of the greatest benefit to mankind, do and ought to view with less regret than they would otherwise feel the casual suffering with which it is accompanied. But this is not peculiar to theorists. When Mr. Williams, on the northern circuit, prompted by his sense of duty, labours hard to hang a burglar or a sheep-stealer, it would be unfair in the extreme to impute to him a contempt for the happiness of mankind, though the happiness of one of the race is entirely annihilated by the success of the learned gentleman's efforts! It is just to suppose that he reflects on the greater misery which would fall upon society if property were not protected, and though the eventual mischief from impunity is remote, and the real suffering from the hanging is very near and apparent, Mr. Williams having hanged his thief, goes off to dine or sleep with a clear conscience, and a much better opinion of himself, than if he had kept back the evidence, or repressed his talent for cross-examination, and let the rogue escape. He would justly deem those to be corruptors of morals who blamed him for the performance, or urged him to the betrayal, of his trust, merely because by doing so he should please the felon and his friends. But the trust vested in those whose station and knowledge enable them to effect changes useful to a whole nation, is a far more important one than that ever committed to an advocate, and one to the execution of which many more obstacles and temptations are opposed. The love of ease, the opposition of interested parties, the entreaties of political friends, the certainty that even a temporary failure will be used to the destruction of the author of a change—these are obstacles which it requires no small degree of moral courage to surmount, and they are seldom surmounted. But to add to these obstacles popular odium, to impute to every one who has the courage to attempt improvements a peculiar hardness of heart, because some evil of less account must be set off against the greater good he has done, or the greater suffering he has prevented, is a detestable perversion of maudlin sentiment to the degradation and misery of mankind.

While the drones and sloths of the state are held blameless for the misery which their negligence allows to exist; while those who execute the worst laws may be men of the tenderest hearts; and while it would be consistent with the finest feelings to allow a people to groan under any existing oppression, or to sink to ruin under the influence of any existing system, the hatred of society is to be levelled, according to this superfine system of political morals, at the man who attempts to benefit his country—because not being omnipotent, he is unable to do good to many without inconvenience to a few. Though Mr. Williams “fully agrees” with Mr. Burke, we are willing to believe that he understood neither the scope nor the intention of Mr. Burke's expression. The limitation which he introduced (theorists who pursued their abstract principles *independently of any consequences*.) would, if literally understood, reduce that which is mischievous to mere nonsense. Theorists who would pursue principles without regard to *any* consequences, would be, not hard-hearted, but insane. But the impression it is intended to produce is a disapprobation of those who do not look to part of the consequences of a measure to the exclusion of the rest.

It is remarkable, that in the course of the debate no one attempted clearly to explain the principles on which Parliament had, or ought to have legislated in the case before them. On the part of the advocates of the motion, it was assumed that a protection ought to be afforded, and by the opponents this assumption was admitted; but it was contended, that the protection would be afforded by the law about to come into operation. Mr. Huskisson, in his speech (which, as a reply to imputations extraneous to the question, as an eloquent defence of his own motives and conduct, and as a retort upon his adversaries, was one of the most effective ever delivered in Parliament),—though he read the petition of the merchants of London, directed “against every restrictive regulation of trade not essential to the revenue, against all duties merely protective from foreign competition, and against the excess of such duties as are partly for the purpose of revenue, and partly for that of protection\*,”—though he adopted the sentiments of this petition,

\* *Ante*, p. 395.



and declared that it embraced all the great principles of commercial policy upon which Parliament had since legislated\*, subsequently seemed to abandon it, and observing that the object of the British manufacturer was "as much as possible to shut out the competition of his foreign rival†," contended that a protecting duty of 30 per cent—the duty which the new law imposed—was quite as effectual as an absolute prohibition, the only difference being, that in the one case, a certain quantity of silk goods would be admitted on payment of duty, and that in the other, an equal quantity would be brought in by the smuggler. The duty of 30 per cent was fixed,

"because," he observed, "I never yet conversed with a single merchant or manufacturer who did not admit, that if a higher protecting duty was imposed, the supply of foreign silk goods would be thrown into the hands of the smuggler."

Thus, while Mr. Huskisson, adopting the London petition, declares against all protecting duties, he also declares in favour of the highest protecting duty on silk goods which it is possible to levy—a duty practically as effectual in excluding the competition of the foreigner—that is to say, in excluding the benefits of free trade—as an absolute prohibition. It is difficult to ascertain from these conflicting declarations whether the principles of the London petition were admitted as the foundation of the silk law; or, if admitted, why the application of them was so limited as to be equivalent to the old system of prohibition.

It often happens in a legislative assembly, that objections inconsistent with one another are opposed to a measure, and that in the desire to gain converts or to soften opponents, reasons inconsistent with one another are alleged in its support. The ground on which Mr. Huskisson claimed praise from the country, was, that his measure was a step towards free trade; the ground on which he claimed the assent of the silk trade, was that (with some expediency in the execution) it was equivalent to the old system of prohibitions.

As Mr. Huskisson, in defence of his measure, found it necessary to enter at length into the principles upon which his plan of gradual reform in our commercial system is founded, we shall be justi-

fied in pursuing the same course, in defence of a similar plan.

The advantage of foreign trade is to increase the enjoyments of mankind—to enable men to obtain an increase of those enjoyments without an increase of labour. This benefit is obtained in the highest practicable degree only when a perfect freedom of this trade exists. But where restrictions exist, and have long existed, we must, before we remove them, attend to two considerations—the effect of the removal on the interests of the persons to whose capital and industry the pernicious laws have given an unprofitable direction, and the effect on the value of money.

The first of these considerations was repeatedly adverted to in the debate. The second was never once alluded to, with any distinctness, by either party.

With respect to the first consideration: The amount of silk goods, manufactured yearly in England, is estimated at about fourteen millions. Suppose the 30 per cent to be the amount required for a protecting duty, the loss entailed upon the consumer is 3,230,000l yearly. According to Mr. Williams, Mr. Ellis, and the silk manufacturers themselves, the loss heretofore must have been nearly 6,000,000 per annum. It would be clearly profitable if only the vested "interests" were to be considered to pension the whole of the persons employed in the silk manufacture, till they could get other employments, rather than to allow them to continue their ill-chosen occupation. Under circumstances like these, the legislature should never rest content till it had taken means for throwing open the trade (completely, sooner or later) to foreign competition. The opinion we entertain with respect to the only efficient means which can be adopted for this purpose was explained at length in our volume of last year, to which we refer the reader\*.

With respect to the second consideration: The effects which have been produced on the value of money, by the restrictions on foreign trade, and the effect which would be produced on money by the absolute removal of those restrictions, form another and more important reason for caution, and require some development.

The quantity of the precious metals

\* *Parl. Review*, *Sess.* 1825, p. 678. *Vid.* *et* p. 634.

\* *Ante*, p. 395. † *Ante*, p. 404.



possessed by different nations or countries is not always in proportion to their wealth, or the abundance of the products of their labour; nor is their power of acquiring these metals necessarily in proportion to their wealth.

It might indeed so happen that a nation shut in by mountains or deserts, and containing within itself no mines of gold or silver, might possess great quantities of the other desirable commodities, without any of these media of exchange; and an extreme scarcity of these metals would be found to exist in a country which, though rich in certain products, and not separated from other countries by insurmountable obstacles, should be possessed of no commodities which it could readily export to other nations. True it is, that in countries between which there is traffic, the precious metals, from causes which have been often explained, have a tendency to become of equal value—but a tendency to equalization is not equality. This distinction, obvious as it is, has frequently been lost sight of. The tendency may be counteracted by various circumstances, as, in the cases above supposed, by natural causes—in other cases by artificial or legal causes.

A tax, supposing it could be levied, on the import of the precious metals, other commodities remaining untaxed, would raise the value of those metals in the country subject to such a system, and depress prices in proportion to the amount of the tax. *In the case opposite to this*, (which is most common,) the import of all, or nearly all, commodities being taxed, but the precious metals being allowed to be imported free from tax, prices must be raised in the country subject to such a system. In proportion to the taxes upon all other commodities, a premium is given on the importation of the untaxed commodities—gold and silver; and by the accumulation of these metals, or the comparative facility of acquiring them, are prices lowered. Restrictions on the import of commodities must produce an effect similar to that of taxation on that import. The more the range of the commodities which other nations can give us in exchange for our exports shall be limited, the greater will be the temptation to pay us in the precious metals, till the rise of prices amongst us prevent the possibility of our exporting.

Improvements in the arts and machinery used in the manufacture of ex-

portable commodities, produce an effect on the value of money, which has been well explained by Mr. Ricardo in his chapter on foreign trade; and the reasoning which he there employs may be applied to the other causes of variation, of which he makes slight mention. He supposes the case of two countries, Portugal and England; the first producing wine, the last cloth, and exchanging these commodities with one another. If, by some discovery, England were enabled to make the wine more cheaply than she could import it, cloth would nevertheless continue for some time to be exported, because (no change, on the supposition, having taken place in Portugal) its price would continue to be higher in that country than here. But money, instead of wine, would be given in exchange for it, till the accumulation of money here, and its diminution abroad, should so operate on the relative value of cloth in the two countries, that it would cease to be profitable to export it. An effect similar to that produced on the commerce between two countries must be produced, by great and rapid improvements in the manufactures of a country, on the trade between that country and the rest of the world, and must tend to alter the distribution of the precious metals.

"This," Mr. Ricardo observes, "will in some measure account for the different value of money in different countries; it will explain to us why the prices of home commodities, and those of great bulk, are, independently of other causes, higher in those countries where manufactures flourish \*."

In England the various causes which we have mentioned, as likely to lower the value of money in a country, have been powerfully at work—rapid improvements in manufactures, especially the manufactures of exportable commodities; heavy duties on the importation of nearly all commodities, except those of which the importation has been entirely forbidden, or those which are destined to be in great part re-exported. By these causes, operating during a long series of years, the value of the precious metals has been reduced in England, and the price of commodities in which we have not, from superior machinery, or natural advantages, extreme facility of production, are gene-

\* Polit. Econ. and Taxation, p. 130, 3d edit.

rally higher than in any other country of Europe.

This effect was far from being desirable. The rise of prices, even without any sacrifice of the wealth of a nation, is mischievous. Creditors are despoiled for the benefit of debtors, and the sense of security, which is one of the great advantages of good government, is diminished. But where this effect is wholly, or in part, produced by the acts of the government, it is also accompanied by a diminution of wealth and comfort. Industry is wasted, and injustice and insecurity are the results. We must always bear in mind, however, that the evil is not in the high prices, but in the rise of prices: for when prices have been once raised to a certain pitch in a country, whether by the influence of its system of taxation, or by the superiority of its industry, or by the conjoint influence of both causes,—it is equally impolitic and unjust to make any change, of which the only effect is to lower money prices, as it was before to raise them. Debtors suffer in the one case, as creditors did in the other. And if this reduction of prices be effected by the sacrifice of a particular branch of manufacture, injustice may be done to the persons engaged in it, without any corresponding benefit to the community.

Let us suppose, for instance, that between England and France, on account of mutual prohibitions, little intercourse existed, and that from some difference in the system of taxation in the two nations, the value of gold were twice as great in France as in this country; it would happen that, supposing the skill applied to the silk manufacture, and the national advantages for carrying it on were equal in the two countries, the price of manufacturing this article would be twice as high in England as in France. In such a case, suppose that the importation of silk, which had previously been prohibited here, were thrown entirely open, (without any precaution being taken for limiting the quantity imported), and that no corresponding change should take place on the part of France; an exportation of gold would occur, and might go on till the value of that metal was reduced nearly to the same level in both countries. The operation of the throwing open of the silk trade, under such circumstances, would be similar, in fact, to the case supposed by Mr. Ricardo, and quoted above, as far as the

transfer of money from one country to another is concerned.

This abstraction of money from the one country, and accumulation of it in the other, would be the first effect; and with it the silk manufacture of this country would be destroyed, though no wise inferior to that of France, from which we should in the case supposed be supplied. True it is, that, subsequently, an increased export of those manufactured goods, in which our superiority to other nations is decisive, (and which, by the change of prices, might be sold more cheaply than before), might take place, and might ultimately enable us to obtain the silk goods with a smaller expenditure of labour than before. But it is very doubtful whether the comparative abundance of a particular sort of raiment, one of the main causes of the value of which is its comparative rarity, would be an adequate compensation for the change, or changes, in the value of money.

This effect on the value of money, then, forms no reason for creating a system of protecting duties, and for making new restrictions, but should be kept in view in diminishing those protecting duties, and breaking down the restrictions which already exist; and the difference of the value of money, in this and other countries, should be kept in view in estimating the loss which these restrictions entail upon us, and which (great as it is) may, when this circumstance is lost sight of, be much exaggerated. It is upon this principle (if upon any) that a government may be justified in making the removal of particular prohibitions, or high duties, dependent upon corresponding concessions by other states,—a policy which has hitherto been very poorly defended by those who have acted upon it.

It is the consideration of the effect we have described as likely to be produced by a more complete removal of restrictions, which induces us to think that Mr. Huskisson, whom his antagonists have blamed for doing too much, would have been justified in doing so little, (in spite of his own speech), had that little been done upon the right system,—had it been done by means of limitation in the *quantity* of goods imported, and not by a duty\*.

\* Let us not be understood to mean that Mr. Huskisson's measure is *inoperative*. In many branches of the silk manufacture it may act as



But the prosecution of his work should not be lost sight of.

When Mr. Ellice stated, in the debate, that the looms of Coventry were of the worst possible construction, and that the French manufacturer could, with the same portion of labour, send forth five times the quantity of riband as the English manufacturer, he made out the strongest case against his constituents;—he clearly shewed that they could only be protected by an enormous waste of national wealth. But, probably, in making out what they supposed to be a case, the manufacturers exaggerated their own faults, as beggars pretend, or increase, their deformities, in order to excite compassion.

In the course of the session, a bill was brought in to remove the difficulties attendant on custom-house valuations, by charging several descriptions of silk goods named in the act, with a rated duty according to their weight, instead of the tax of 30 per cent, *ad valorem*,—to confine the importation to the port of London, and to regulate the description of packages, and the burthen of the ships. The mode of taxation prescribed in this bill, while it affords facilities for collection, has the disadvantage of being less equal and just than the *ad valorem* duty. It falls least heavily on those articles on which most labour has been bestowed, and which are made of the finest materials: but it is probable, that this inequality is an evil less in amount, than the uncertainty and trouble of the valuation system.

The other enactments of the bill were somewhat modified in their progress through the House. East India silks, and some light goods, are allowed to be imported into the ports to which goods from within the limits of the Company's charter are now permitted to be brought. Other silks, also, may be imported from Bourdeaux to Dublin: but the restrictions on the tonnage of the vessels, the size and weight of package, and even the length and mode of weaving of the pieces of silk remain—proofs of the numerous additional restraints upon freedom of intercourse with which a system of heavy duties must be, or at least are, accom-

a complete emancipation of the trade. It will do so whenever the duty is not high enough to exclude the foreign article. On the other hand, whenever the foreign article is so excluded, the measure will be completely without effect.

panied. We trust, however, that if many of these restraints\* have been imposed, as they apparently were, to satisfy clamorous and over-anxious manufacturers, they will not be allowed to outlive the unfounded apprehensions by which they were dictated.

### *Navigation Laws.*

AMONGST the various measures which have been introduced by ministers for the removal of restrictions from trade and manufactures, the late alterations in the Navigation Laws occupy a conspicuous place. They were not encountered with much opposition in Parliament; but since they came into operation, they have excited considerable attention throughout the country, especially in some of the maritime towns, where they have been viewed with suspicion and discontent. In the course of the last session, therefore, Mr. Huskisson took occasion, in moving for some returns relative to shipping, to explain at some length, his views on this important subject, in a speech replete with sound reasoning and useful information. The present may, therefore, be deemed a proper opportunity for discussing the general principle of the Navigation Laws, as well as for considering whether the late alterations are likely to be attended with the disastrous consequences which some have apprehended.

Restrictions on navigation in favour of British shipping have existed from a very early period of our history; but they were greatly extended in the time of the Commonwealth, and were reduced to a regular system in the year 1651, when the celebrated Act of Navigation was passed by the Republican Parliament. The principle of this act was adopted by the succeeding government of Charles II. and its provisions were embodied in the statute, 12 Charles II. cap. 18. By this statute it was enacted, 1st, That no goods should be imported into, or exported from, any of the English dominions in Asia, Africa, or America, except in English ships, of which three-fourths of the

\* For instance, not only must the packages each contain 100 lbs. weight of silk, but the pieces in the packages must be not less than 60, or more than 66 yards in length, "with ferrels, or marks at each end, wove in."

crew should be Englishmen, and that no direct commercial intercourse should be allowed between the British colonies and foreign countries; so that a monopoly of their trade was secured not only to English vessels but also to English ports. 2nd, That no goods, the produce of Asia, Africa, or America, should be imported into England, except in English ships, manned by English crews. 3rd, Double aliens' customs were imposed on foreign vessels employed in the fisheries. 4th, Foreign vessels were entirely excluded from the English coasting trade. 5th, With regard to the trade between England and the other countries of Europe, there were specified twenty-eight articles, since termed enumerated articles, which were of a very bulky nature, and which consequently employed a great quantity of shipping; and these it was prohibited to import into England, except in English ships manned by English crews, or in the ships of the countries in which they were produced. By this act, then, a monopoly of the whole of the colonial trade, the coasting trade, the fisheries, and the trade between England and foreign countries in Asia, Africa, and America, was secured to the English ship-owner; and even in the greater part of the European trade, the only competition allowed, was, that of the ships belonging to those countries in which the goods to be imported had been produced. Other statutes were subsequently passed, sometimes slightly modifying, but in general enforcing these enactments; and by the statute 13th and 14th Charles II. cap. 11, the importation of a great number of bulky articles (therein specified) from Holland, Germany, and the Netherlands, was absolutely prohibited; shewing, that in those times the policy of the legislature was not merely to advance the interests of England, but to injure neighbouring nations even at her expense.—In addition to the above-mentioned restrictions, foreign ships had been subjected to higher port and other duties than were imposed on English vessels.

Such was the state in which the Navigation Laws remained till the close of the American war. Since, during this long period when these laws were strictly enforced, a great increase occurred in our trade and naval power, we cannot be surprised that the laws themselves should have been regarded as the basis of our commercial greatness, and should have received the

proud appellation of the "*Charta maritima of England*." There are, indeed, many persons who would thus settle the question at once by an appeal to history, and who consider it an act little short of madness to make any alterations in a system which they imagine to have been sanctioned by the experience of ages. There is no fallacy more common than that of concluding, that when one remarkable event follows another, they must be necessarily connected, and the one be the effect of the other. Thus a celebrated writer\* has attributed the wealth of Great Britain to taxation, and has consequently recommended a more liberal expenditure, as the best remedy for national distress. This fallacy is particularly common in subjects connected with political science, because in these cases the judgment is apt to be warped by sinister interest, and great care is required in order to trace the connexion of events, and to assign to each circumstance its due weight. In order to establish the position, that our commercial greatness is the result of the Navigation Laws, it would be necessary to shew, either that the origin of our commerce is to be traced to the period of their enactment, or at least, that they gave a perceptible impulse to its progress. Now it cannot be denied, that the origin of our commerce is to be referred to a much earlier period; that it was in all probability the effect of our geographical situation, and of other circumstances of a similar kind, too obvious to require enumeration; that it had become of considerable importance in the reign of Queen Elizabeth; and that it was gradually advancing with the increase of our capital. It is certain also, that previous to the Restoration, our naval power had become extremely formidable. And so far from its having been proved that the Act of Navigation gave a strong impulse to our commercial prosperity, it is stated by Roger Coke, Sir Josiah Child, and Sir Matthew Decker, the two former contemporary writers, and all men of great practical knowledge, that it was followed by the decline of our trade†. It may, then, at least be questionable, whether the Act of Navigation has answered the purpose for which it was designed; or

\* Mr. Southey.

† Ed. Review, vol. xxviii, p. 402.



whether, on the contrary, instead of acting as an encouragement to our trade, it has not thrown an impediment in the way of its gradual advancement. Still less can it be assumed that all its enactments are adapted to the present altered state of the country, and that experience has been so decisive in its favour, as to forbid all reasoning and inquiry on the subject.

At the close of the American war this country was destined to reap the fruits of her illiberal system. That disastrous war, as Mr. Huskisson has justly observed, may be attributed in a great degree to the efforts of this country to enforce upon her colonies her oppressive code of navigation. When, therefore, the United States had established their independence, it is not surprising that they should have endeavoured to retaliate upon the mother country. Great Britain would, of course, have been glad to admit them to her commerce on the same footing as the nations of Europe; but this was not enough for America, as she had learned a very different lesson from the example which we ourselves had set her. It was determined by congress, in the year 1787, that a duty of one dollar per ton should be imposed upon foreign shipping, and a duty of 10 per cent upon all goods imported in foreign vessels, beyond the duties payable on American ships, and the goods imported therein. This measure was felt as a heavy blow to British commerce. Every effort was made by the British Government to procure its repeal; and at length, in the year 1815, it was arranged that in the ports of each country, all charges and duties should be equal upon all vessels and cargoes, whether English or American. But we are informed by Mr. Huskisson, that the British merchant still lies under a great disadvantage; because the American government, following the example of our Navigation Laws, has prohibited the importation of European goods, except in American vessels, or in the vessels of the country in which the goods were produced; so that whilst the American merchants can make up their cargoes from the produce of any part of Europe, the British are confined to that of Great Britain.

We now come to the late alteration in the Navigation Laws, the propriety of which it is our more immediate business to consider. The greater part of these

alterations were made in the session of 1822, when five very important acts were passed on this subject\*. By these acts the statute book was purged of an immense farrago of useless and contradictory enactments; our code of navigation was reduced to a more simple and intelligible form, and considerable alterations were made in the principle of these laws, as well as in their arrangement. The laws respecting the coasting trade, the fisheries, and the trade between Great Britain and her colonies, were not materially altered, as a complete monopoly of those branches of commerce was still preserved to the British ship-owner. But in most of the other branches of our trade, the competition of foreign shipping was permitted in a greater or less degree. First, With regard to our trade with the other countries of Europe, the "enumerated articles" above mentioned were allowed to be imported, not only in the ships of the country in which they had been produced, but also in the ships of any country into which they had been imported. The enactment, moreover, which had prohibited the importation of certain bulky articles from Holland, Germany, and the Netherlands, was entirely repealed. 2d, As to the trade with foreign countries, in Asia, Africa, or America, the same privileges were extended to the different states which have been formed out of the Spanish colonies in America, as were enjoyed by the United States; so that they were enabled to export their produce to Great Britain in their own vessels: 3d, An act was passed to regulate the trade between our possessions in the West Indies, and America, and other places in the same quarter of the globe. By this act a great number of articles were permitted, under certain regulations, to be imported into the British colonies from other states or colonies in America in ships belonging to such states or colonies, provided that similar privileges were granted to British vessels by their respective governments: 4th, An act† was passed to regulate the trade between our West India and American colonies, and foreign countries in Europe. By the provisions of this act, the direct exportation of colonial produce to European ports was permitted in British ships; and the col-

\* 5 Geo. IV. c. 41, 42, 43, 44, 45.

† *Ibid.* c. 44.

‡ *Ibid.* c. 45.



nies were allowed to supply themselves in the same manner with certain articles from the continent of Europe.

In the following year, an important act\* was passed to equalize all duties and charges upon British and foreign shipping; but at the same time Government were empowered to impose higher duties on ships belonging to countries where higher duties were imposed on British vessels.

In the last session of Parliament, the only legislative measure relating to navigation, was an act† to give effect to treaties of commerce contracted with the new republics of America. It had been found that these states had derived little advantage from the change in the Navigation Laws, owing to the circumstance of their possessing few ships built in their own ports. It was, therefore, enacted, that ships, wherever built, or however acquired, if duly owned and navigated as the ships of those republics, should be so considered, and should be entitled to the same privileges, for the space of seven years, which, it was supposed, would be a sufficiently long period to enable them to supply themselves with home-built shipping.

Such are the changes which the legislature has thought proper to introduce into the system of the Navigation Laws, and which have been received in certain quarters with the greatest alarm and dissatisfaction. The ship-owners complain loudly of the removal of "protection" from their trade. They seem to imagine, like many other classes of persons, that "protection" is a boon of the greatest advantage to themselves, but which at the same time can be granted by the legislature without loss to the public. By "protection" is meant the exclusion of foreign competition; and it is obvious that such exclusion can in no other way be advantageous to the ship-owner than by raising the charge for the conveyance of goods; and that consequently whatever is gained by the ship-owner must necessarily be lost by the public. Yet, simple as this principle may appear, it is continually overlooked in discussions of this kind. Thus Mr. Robertson is reported to have said, that "the shipping of this country had as much right to 'protection as any other trade ‡,'" from which we must necessarily infer that he is

of opinion that protection ought to be afforded to every branch of trade and manufactures, or, in other words, that every class ought to be allowed in turn to tax the community for their own benefit—a notable plan for increasing the aggregate of the national wealth. Yet nothing can be more logical than this conclusion. For if protection be really advantageous to the *protected* party, without a corresponding loss to the public, its benefits ought to be extended to every class. But if every person be allowed in turn to tax the rest of the public, it is manifest that we shall none of us be the richer, but that every one will be the poorer in proportion to the expense of collecting the tax, and to the vexations and restrictions by which almost every system of taxation is necessarily accompanied.

But we have put the case much too favourably, since it is not true, that what is lost by the public is gained by the *protected* party. If Government were to spend a part of the public revenue in employing persons in digging holes and afterwards filling them up, or in any other futile work, it is manifest that whilst the labourers so employed would gain no more than their ordinary wages, the public would lose the whole amount of the revenue so expended. Exactly in the same manner, if capital be forced by impolitic legislation into unnatural channels, the capitalist receives no more than ordinary profits for his stock, and the consumer is taxed by being obliged to pay a higher price for the goods he purchases. No reason can be shewn why these principles are not equally applicable to the carriage of goods as to any other mode of employing capital. Considering the subject therefore merely as a question of national profit or loss, there can be no doubt of the injurious effects of restriction on navigation. And we are supported in this conclusion by the authority of Dr. Adam Smith, whose opinion on this subject has often been triumphantly cited by the friends of the Navigation Laws. He says,

"The Act of Navigation is not favourable to foreign commerce, or to the growth of that opulence which can arise from it. The interest of a nation in its commercial relations to foreign nations, is like that of a merchant, with regard to the different people with whom he deals—to buy as cheap, and to sell as dear as possible. But the Act of Navigation, by diminishing the number of sellers, must necessarily diminish that of buyers; and we are thus likely not only to buy foreign goods dearer, but to sell our own cheaper, than if there was a more perfect freedom of trade. As defence, however, is of

\* 6 Geo. IV. c. 77. † 7 Geo. IV. c. 5.  
‡ *Ante*, p. 438.



'much more importance than opulence, the Act of Navigation is, perhaps, the wisest of all the commercial regulations of England\*.'

It appears, therefore, that Dr. Smith did not advocate the Navigation Laws, as tending to promote the prosperity of commerce or the accumulation of wealth, but as affording the best means of providing for our national security; and it is upon the same grounds that the more intelligent supporters of the system have founded their arguments.

It is manifest that to secure protection against foreign aggression, the legislature would be justified in making great pecuniary sacrifices. There can be no doubt, too, that, in consequence of our insular situation, our national security must in general mainly depend upon our naval force. And it may be true that Government has of late paid less attention to this branch of the public service than might have been desired. But in order to establish the position that the Navigation Laws are necessary for the support of our navy, it must be proved—1. That a sufficient naval force could not be maintained without our present immense commercial marine; and, 2. That the recent alterations in the Navigation Laws will give rise to a great diminution in the quantity of our merchant shipping.

The first of these propositions has in general been treated as self-evident, and has therefore been assumed as a matter of course, without proof or consideration. But it appears, to say the least, very questionable, whether a plan might not be adopted by which our navy might be rendered much less dependent upon our commercial marine for its supply of seamen. Whatever naval force we maintain in time of peace, may, of course, be constantly preserved in a state fit for active service. But the difficulty lies in obtaining a sufficient supply of seamen, on the sudden breaking out of a war. Under the present system this end is accomplished in a very objectionable manner. However large may be our commercial marine, our merchants will, of course, never employ a greater number of seamen than are sufficient for the navigation of their vessels. When, therefore, on the breaking out of a war, an additional supply of sailors is required for the navy, this increased demand for seamen greatly

raises the rate of their wages; and Government, being either unable or unwilling to pay this increased rate, have recourse to the system of impressment, a system odious alike to the seamen themselves, and to the public. In order, therefore, to remedy the inconveniences of the present system, it has been proposed that an establishment should be formed, in which youths should be trained for the service of the navy, and from which it has been supposed a supply of seamen might be obtained in all respects much better qualified for the service than those who are at present forced by impressment from our merchant shipping. And it has been thought that by a supply of this kind, together with those seamen who, by a moderate addition to their wages, would be induced to enter into the naval service, our navy might be sufficiently manned at the commencement of a war. Such a plan has been warmly recommended by eminent and intelligent naval officers, who have expressed their regret, that whilst immense sums have been lavished on other departments of the public service, no attempt has been made to put an end to the odious system of impressment. The only objection to the plan, is its expensiveness. It must, however, be recollected, that a tax is not the less certainly felt, if, instead of being paid to the tax-gatherer, it falls upon the public indirectly by increasing the price of the articles which they consume; and on the supposition that the abolition of the Navigation Laws would be injurious to the shipping interest, we must infer that the existence of these statutes tends to raise the rate of freight, and consequently to encrease the price of all imported goods. By measures of this tendency, therefore, the public must necessarily be taxed, as the inhabitants of London would be, were the legislature to compel the coal vessels of Newcastle to circumnavigate the island, instead of bringing their cargoes by the direct passage to the metropolis. When, therefore, we are making a comparison between the two systems with regard to expense, we must take into the account, 1st. the increased rate of freight, which, on the shewing of the supporters of the restrictive system themselves, the Navigation Law must be supposed to produce; 2d. the increased rate of wages which our merchants are at present obliged to pay at the commencement of a war, and the difficulties in which they are involved from the want of

\* *Wealth of Nations*, vol. ii. p. 194.



seamen to navigate their vessels; and, 3d. the disastrous effects of the system of impressment on the seamen themselves, as well as on the public at large; effects which, if estimated in money, most persons would be disposed to fix at a very high price. If, then, we could estimate, correctly, the loss and inconvenience occasioned by the present system, we should probably find that it would be equal to a considerable amount of direct taxation. At all events, enough has been said to show that the subject deserves consideration, and that it is at least very questionable, whether our present immense commercial marine is absolutely essential for our national security.

Secondly, it has never been satisfactorily shown why the late alterations in the Navigation Laws should be so injurious to British shipping, as many persons apprehend. It is not indeed surprising that they should have been regarded with alarm by the ship-builders and ship-owners; because the restrictive system had existed so long, and had been so often extolled as the perfection of the wisdom of our ancestors, and the palladium of British commerce, that the parties immediately interested were sure to view any change with apprehension. But it has never been stated in what respects ship-building differs from other manufactures; nor has it been shown why, when we are able to manufacture many other commodities so cheaply as to supply not only our own market, but those of the rest of the world, we should be undersold in the article of shipping. And this must appear still more improbable, when we recollect that navigation and ship-building are trades for which we possess peculiar local advantages, and in which we have embarked an immense amount of capital, and that, too, permanently invested in docks and other structures, from which it can never be withdrawn. This impossibility of transferring fixed capital is a circumstance of great practical importance, and one of which the effects have not, perhaps, been sufficiently attended to by writers on political economy. Its influence is felt in almost every mode of employing capital. To take, for example, the instance of agriculture:—If a land-owner found that in order to bring a piece of land into cultivation, an expenditure of 20*l.* per acre would be required in draining, manuring,

fencing, &c., he of course would not invest his capital in this manner until the price of corn had risen to such a point that it would pay him the ordinary rate of interest, which, at 5 per cent, would amount to a rent of 20*s.* per acre. If corn were afterwards to fall in price, his rent would of course fall at the same time; but the land would not be thrown out of cultivation until the price of corn had become so low that it ceased to pay any rent to the landlord, or even ordinary profits to the farmer. Yet it has been frequently maintained by writers on the Corn Laws, that if inferior lands were cultivated in consequence of a rise in the price of corn, a corresponding fall in its price must necessarily throw them out of cultivation—an error into which they have fallen from not attending to the effects of the investment of fixed capital in the land. The same principles are applicable to ship-building and navigation. Great Britain has already invested an immense amount of capital in docks, warehouses, &c., for which she of course would be content to receive only a diminished return rather than abandon it altogether. But it is manifest that no other nation would invest its capital in a similar manner without the prospect of at least ordinary profits. So that the possession of fixed capital may fairly be reckoned amongst our facilities for the building of ships.

It may perhaps be said that we lie under a disadvantage in being obliged to import a considerable part of the raw material of ships from abroad; but this is equally the case in the manufacture of several other articles. It has also been contended that, in considering the present question the immense amount of our taxation, and the Corn Laws, should be taken into the account. There can be no doubt that heavy taxes, and a high price of corn, are injurious to the ship owners, in diminishing their profits, and preventing the increase of their capital, as well as to every other class of capitalists; but they lay them under no peculiar disadvantage as compared with other manufacturers. There are, however, some taxes which press with peculiar severity upon the shipping interest—we mean the duties upon timber, canvas, cordage, and other articles, employed in the construction or equipment of ships—which certainly ought to be either abolished or greatly reduced,



and we would more particularly call the attention of our readers to the present discriminating duties upon Baltic and Canada timber.

The duties upon Baltic timber amount at present to no less than 2l. 15s. per load, or nearly 300 per cent on its value; whilst Canada timber is subject to a duty of only 10s. It appears from the evidence of eminent ship-builders and timber merchants, before a committee of the House of Lords, that Canada timber is softer in its texture, much less durable, and more subject to the dry rot, than the timber of the Baltic: so that the effect of the present duties is to oblige our ship-builders to import an inferior article, from a greater distance, and at a much higher price. Mr. Huskisson, indeed, mentions in his speech\* the advantage possessed by the United States, from the greater cheapness of their timber; but he slurs the matter over as one of secondary importance. We are sorry to find the following expressions in another part of his speech—expressions utterly inconsistent with the principles which he usually professes, and with those liberal measures of which he has been the able and successful advocate. He says,

“Looking to the shipping interests of this country, and to the interests of Canada, I am not one of those who think we have done too much for those interests, in the great preference, in point of duty, which we have given to the Canada timber, and in the consequent sacrifices which we make to encourage the importation of that timber, inferior as it is.†”

It is, then, principally for the sake of Canada that this system is maintained. The reasoning of some of our ministerial speakers, on the subject of the colonies, is certainly of a very singular kind. Whenever complaints are made of the enormous expense which the colonies entail upon the country, (as for instance, Canada itself, which alone costs us not less than 500,000l. per annum), we are informed that, although the expense may be considerable, the colonies are indirectly beneficial by means of their trade. And now, when we complain of the immense loss occasioned by these restrictions on our trade, we are told that the monopoly must be maintained for the benefit of the colony. So that, first, an expensive colony is to be retained for the sake of the trade; and next, a losing trade is to be carried on for

the sake of the colony. Such are the reasonings to which the supporters of this system are obliged to have recourse, and such is the mode in which the interests of the public are sacrificed to the selfish interests of the legislature.

The ship-owners will therefore act wisely in uniting to obtain, if possible, a repeal of the high duties on Baltic timber. It has, indeed, been said that they would be the first sufferers from such a measure, inasmuch as the trade with Canada must, in consequence of its greater distance from Great Britain, employ a greater quantity of shipping than the trade with the Baltic; and some of the ship-owners, acting on this principle, have gone so far as to demand an increase in the discriminating duty. But admitting that the exclusion of Baltic timber might produce an immediate increase in the demand for shipping, yet this temporary benefit would form but a slender equivalent for the injurious effects of a system which, by increasing the price of shipping, must lay them under a permanent disadvantage as compared with other maritime nations, and must tend ultimately to exclude them from all the commerce of the world, excepting those particular branches of which the complete monopoly is secured to them by the restrictive system of Great Britain.

It has been stated that the late alterations in the Navigation Laws have already produced a decline of our trade. This point has, however, been ably contested by Mr. Huskisson. But whatever the fact may be, we have no hesitation in stating our opinion, that with the exception of the duties we have mentioned, which press with peculiar severity on the shipping interest, the measures of ministers upon this subject have been highly deserving of approbation. Nay, if, instead of consulting the public interests, their views had been confined to the interest of the ship-owners, they could not have adopted a different line of policy; since we are convinced that the late restrictions would have ultimately proved as injurious to the ship-owners, as to every other class of the community. So long as foreign governments were accustomed to treat commerce and navigation with neglect and contempt, it was comparatively easy to exclude foreign vessels from our ports, and to secure to ourselves a monopoly of the carrying trade. But beholding Great Britain grow rich

\* *Ante*, p. 435.

† *Ante*, p. 431.



and powerful in consequence of her commerce, and attributing her prosperity to her restrictive system, they were naturally disposed to follow in her steps, and to enact for themselves protecting codes of navigation. And this was manifestly in their power. It was as easy for any foreign country, for Prussia for instance, to exclude British ships from her ports, as for Great Britain to exclude those of Prussia. If, therefore, this system had become universal, it could have ended only in the cessation of all commercial intercourse; an event, which would have been more injurious to Great Britain than to any other country, because she is more dependent on foreign commerce, and of all classes of the British public would have been most disastrous to the ship-owners themselves. But we cannot do justice to this part of our subject better than by quoting the following passage from Mr. Huskisson's speech:

"Have we not boasted of our Navigation Laws, till we have taught other nations to believe (however erroneous that belief), that they are almost the only requisite, or, at least, the *sine quâ non*, of commercial wealth, and of maritime power? Did these vauntings excite no envy, no spirit of rivalry, no countervailing opposition in other countries? Did the success of the United States of America create no desire in those countries to follow her example? It would be worse than idle, it would be dangerous, to dissemble to ourselves the great changes which have been wrought since the establishment of American independence, in the views and sentiments of Europe, upon all matters connected with commerce and navigation. They now occupy a leading share in the attention of almost every government. They are every where a subject of general inquiry and interest. Even in countries, of which the institutions are least favourable to the discussion of political topics, these questions are freely discussed, and by discussion, the influence of public opinion is made to bear upon the measures and policy of their governments. In this altered state of the world, it became our duty seriously to inquire whether a system of commercial hostility, of which the ultimate tendency is mutual prohibition,—whether a system of high discriminating duties upon foreign ships, with the moral certainty of seeing those duties fully retaliated upon our own shipping in the ports of foreign countries,—was a contest in which England was likely to gain, and out of which, if persevered in, she was likely to come with dignity or advantage? I will lay aside, for the moment, every consideration of a higher nature, moral or political, which would naturally lead us to look with some repugnance to the engaging in such a contest. I will equally lay aside all consideration for the interest of our manufacturers, and for the general well-being of our population, who, as consumers, would obviously have to pay for this

system of custom-house warfare, and reciprocal restriction; and I will view the question solely in reference to the shipping interest. In this comparatively narrow, but I admit, not unimportant, view of the question, I have no difficulty in stating my conviction, a conviction at which I have arrived after much anxious consideration, that, in the long run, this war of discriminating duties, if persevered in on both sides, must operate most to the injury of the country which, at the time of entering upon it, possesses the greatest commercial marine. How can it be otherwise? What are these discriminating duties, but a tax upon commerce and navigation? Will not the heaviest share of that tax fall, therefore, upon those who have the greatest amount of shipping and trade?"

Such reasoning must convince the most bigotted supporter of the restrictive system of the necessity of making some relaxation in the enactments of our Navigation Laws; since it is evident that their enforcement must for the future prove equally injurious, whether we regard the interests of the public, the maintenance of a naval force, or the advantage of the ship-owners themselves. But if we adopt a more liberal system, and at the same time relieve navigation from any burdens under which it exclusively suffers, we see no reason to suppose that we may not successfully compete with foreign nations, and continue to advance in our commercial career.

It is not one of the least remarkable circumstances attending the late alterations in the Navigation Laws, that they have excited but little opposition, or even attention, in the House of Commons. Throughout the delivery of the whole of Mr. Huskisson's speech, the House was remarkably thin, so much so, as to excite a remark from the speaker himself. It is difficult to understand how the members of the House reconcile their absence on so important an occasion with the duties of their professed character as representatives of the people.

Whenever a debate is expected, which is likely to give rise to animated declamation, or to personal invective, and which is calculated to amuse the hearers, without requiring too great a degree of intellectual exertion, though the subject may be one of comparatively trifling importance, the House is crowded with members. But when a subject is to be discussed of a less amusing nature, which may require a little serious attention, and



some exercise of the understanding although it may be of the greatest importance, and may involve the prosperity of our commerce and our national security, and although the debate may be opened by one of the ablest of our ministers, and with a speech calculated in the highest degree to interest and instruct an intelligent audience, yet on such an occasion a large majority of the members think themselves justified in disregarding alike the duties of the offices which they hold, and the interests of the constituents whom they pretend to represent. But such are the natural effects of *virtual* representation.

There is, however, one point of view in which we may be allowed to congratulate our readers on the non-attendance of members on this occasion, viz. as it affords a proof of their tacit concurrence in, or indifference to, the measures which have been adopted.

"Thirty years ago," as Mr. Robertson justly remarks, "no British minister would have *dared* to make such propositions to parliament\*," and they are now regarded so much as matters of course, that members do not think it worth their while to attend the discussion. Such a fact must prove that enlightened opinions are rapidly gaining ground, as well in the House of Commons, as amongst the public at large.

## LAW.

*Licensing System;—Public Houses.*

IN order to attain a clear view of the effects of the licensing system, it will be proper to begin with a brief outline of the history and state of the laws, by which the sale of fermented liquors is placed under restrictions, not attached to the sale of other commodities.

Previously to the reign of Edward VI. it was lawful, according to one of the older law authorities, "for any one to keep an alehouse without licence; for it was a means of livelihood which any one was free to follow; but if it was disorderly kept it was indictable as a common nuisance." In the reign of Henry VII. however, justices of the peace were empowered to suppress useless houses, and by the 5th and 6th Edward VI. to *put away* such common ale or tippling houses as they thought meet and convenient, and none were

to keep such houses in future but such as should be allowed in open session, or by two justices of peace, who were to take bond and surety by recognizance of alehouse-keepers for preserving good order. The 1st James I. c. 9.—after reciting that the true use of inns and alehouses is for the relief and lodging of wayfaring people, and not for entertainment and harbouring of lewd idle people, to spend their money and time in lewd and drunken manner,—subjects to penalties the keepers of alehouses who suffer people to tittle; and the 7th James I. c. 10, disables an alehouse-keeper, convicted in such penalties, from keeping an alehouse for three years.

Ill effects having been produced by an act passed for encouraging the distillation of British spirits, early in the reign of William and Mary, by which all persons were authorized to distil and sell British spirits, provided the duties were paid, the 12th and 13th William III. c. 11 and 18, enacted, that no person should sell brandy, or other distilled liquor by retail, to be drunk in their houses, but such as should be licensed in the same manner as alehouse-keepers; but by 1st Anne, c. 14, distillers, and shopkeepers whose dealings were more in other goods than in brandy, and who did not permit tippling in their houses, were allowed to sell spirits by retail without licence.

Up to this period, the licensing laws appear to have had no other object than the preservation of the public morals and peace; but from the time of George II. they have been applied also to fiscal purposes.

By the 2nd George II. c. 17, a duty of 20l. is imposed on the licence to sell spirits by retail, which licence is ordered to be renewed yearly; and by the 11th section of the same statute, no licence is to be granted to any person to keep an inn or alehouse, or to retail brandy, but at a general meeting of the justices of the peace, to be holden for that purpose, on the 1st of September yearly, or within twenty-one days afterwards, the object of which general meeting is stated to be, that the justices may be truly informed as to the want of inns or alehouses and the character of persons applying for licences.

The 6th George II. c. 17, repealed the duty, and imposed a penalty on all who should sell spirits in sheds, stables, or

\**Ante*, p. 421.



wheelbarrows, without living in the same. From this act we may infer, that the expense of the licence had driven the vendors from houses to sheds and wheelbarrows. The 10*l.* penalty, however, appears to have been eluded; for, by 9 Geo. II. c. 23, it was enacted, that no one should vend spirituous liquors without a licence, for which he was to pay annually 50*l.* to the excise; that no licence should be granted but to keepers of public victualling-houses, inns, coffee-houses, alehouses, or brandy-shops; and that the penalty for selling without a licence should be 100*l.* The expense of this licence, and the duties on spirits, immediately gave an impulse to illicit distillation and illicit sale; and, to the great injury of the revenue, threw the trade into the hands of those who took out no licence, and who paid no duty: therefore, by a statute of 16th George II. the 50*l.* licence was reduced to 20*s.*, and the duty on spirits lowered from 20*s.* to 3*d.* a gallon.

The 24th George II. c. 40, s. 8, next required, that no one within the limits of the head office of excise should retail spirituous liquors unless he rented a tenement of the yearly value of 10*l.* or upwards, or in any other part of the kingdom, unless he paid to church and poor; and the 26th Geo. II. c. 31, enacts, that the justices shall bind in a recognizance of 10*l.*, with two sureties of 5*l.* each, the parties who receive the licence, while every person who applies for a licence is to produce from the clergyman of the parish where the alehouse is situated, and the major part of the churchwardens and overseers, or three or four substantial householders and inhabitants, a certificate of his good fame and sober life. Upon complaint made, a justice is empowered to bind the complainants to appear at the sessions, and if a verdict is found against the defendant, he is to forfeit his recognizance, and be disabled from having a licence for three years. By the 30th George II. c. 24, s. 14, publicans permitting journeymen, labourers, servants, or apprentices, to game in their houses, are to forfeit 40*s.* for the first offence, and 10*l.* for the second.

The transfer of licences at petty sessions, is regulated by 32 George III. c. 59; and by 48 George III. c. 143, the licences are to be taken out at the excise office, instead of being issued by

the justices, but are not to be granted unless the person applying shall first produce an authority signed by two justices of the peace, to keep a common inn, alehouse, or victualling-house.

In 1817, the committee on the police of the metropolis, in a report of great ability and discernment, as to every thing but the suggestions with which it concludes, pointed out a great number of the evils occasioned by the licensing system; but the legislature slumbered over the matter till 1822, when an act, pursuant to the suggestions of the committee, was passed\*, increasing the amount of the publican's recognizance for good behaviour to 30*l.*, with two sureties of 10*l.* each, or one of 20*l.*, and prescribing a form of recognizance, in which every species of *cauponic* delinquency is minutely enumerated and forbidden. The preliminary certificate of good character is also guarded by a number of minute provisions, only to be equalled by the particularities of a French passport.

On the other hand, as some compensation to the publican for this increase of rigour, those parts of the statute of 7 James I. c. 10, and of other statutes, which disable a publican convicted by a justice of peace from keeping an alehouse for three years, is repealed, and for the future he is to be fined not exceeding 5*l.* by a justice of peace, for a first offence; not exceeding 10*l.* for a second; for a third he is to be sent before a jury at the sessions, and if convicted, to be fined not exceeding 100*l.*, his licence to be void, and himself disabled to sell ale, beer, cyder, perry, spirituous liquors, or strong waters, for the space of three years.

This act, which was to have expired last session, has been continued to the present, though, as might have been anticipated, very little effect has been produced by such petty legislation.

From the foregoing outline, it is plain, that though fiscal regulations have been engrafted upon the laws which require publicans to obtain a magistrate's licence, the main object of those laws has been to repress tippling and immorality among the poorer classes of the community. Whether or not they have in any degree attained their object will be presently shewn; but one effect, probably not foreseen, they have un-

\* 3 Geo. IV. c. 77.



questionably produced. They have given to the opulent brewers a monopoly of the supply of beer to the poorer classes.

Mr. John Adams, a respectable spirit-dealer and hop-merchant, who, for 25 years, had travelled in the way of his business through the counties of Berks, Hants, Wilts, Somerset, Gloucester, and Oxford, stated to the Commons' Committee, on the police of the metropolis \*, that in some of those districts this monopoly was nearly general, and in others rapidly gaining ground: That wherever a public-house was offered for sale it was bought up by a brewer, or spirit-dealer: That in Reading, where there were 67 or 68 public-houses, two only were free, and those the principal inns in the town: That the consequence of the monopoly was, that the beer was of an inferior quality, and that the poor and middling classes, living in those districts, complained heavily of the badness of the commodity which they were compelled to drink, no other being in the market: And that they were thereby driven to the use of spirits.

Mr. Schultze†, a solicitor, stated, that at Wallingford, out of 18 public-houses 14 belonged to brewers; 12 or 13 of which were the property of one, who was, besides, a magistrate of the county, and alderman of the borough: that complaints against the badness of the beer were universal, and, that from experience, he knew that from that cause alone, the common people were driven to the use of spirits: that at Newbury the monopoly was so complete, that, in the borough of Speenhamland, of 10 public-houses, belonging to a charity, 8 were in the hands of one brewer, and two in the hands of another.

Mr. Barclay, a member of the House, stated, that in his trade, which was the greatest in London, one-eighth of the houses they served were their own property; that about three-eighths of the remainder were engaged to them by the advance of money, leaving four-eighths entirely free‡.

In the trade of Whitbread and Co., it appeared that one-seventh were their own houses, or held on lease, and about three-sevenths free§. In that of Truman and Hanbury about the same proportion; but Mr. Hanbury, speaking

of his partner, Mr. Aveling, says, that no plot of ground has been laid out for building without his obtaining immediate notice; and in cases where he thought it advisable, without his purchasing the most eligible spot for a public-house, or at least obtaining the offer of it\*.

The committee refrained from examining further into the monopoly of public-houses in the hands of brewers, distillers, &c., which exists in different parts of the country, from a conviction that it would only lead to an unnecessary multiplication of evidence; but they conclude with observing, that the practice is hourly increasing.

With regard to the effect of this monopoly upon the *price* of the article, two circumstances are to be taken into account, besides the facility which a limited number of producers always possess of imposing their own terms in the sale of their commodity. These circumstances are the increase of value which the licence gives to a public-house, and the precariousness of the publican's interest in it.

It is manifest that publicans, in order to draw from their trade the average rate of profit, must obtain out of the price of the article they sell, not only a compensation for the additional cost of their houses, but also for any extraordinary insecurity to which their trade may be subject. According to the evidence adduced before the committee, the value of a house is increased from 500*l.* to 2000*l.* by the circumstance of a publican's licence being attached to it; and while the magistrates have the power of refusing to renew the licence at their annual meetings, the insecurity of the property may be estimated by the two following cases:—

Mr. Meek entered into a public-house in 1814, the lease of which cost him 1000*l.*†. The house was licensed in 1815, but in 1816 the licence was suspended, although no complaint had been made; and two magistrates, who visited the house, declared themselves satisfied with its construction, which was the same as in 1815. Mr. Meek, however, had, in the meantime, ceased to deal with his first brewers, Meux and Reid, who, six weeks before the licensing day, got to

\* See Report from the Committee, *Sess.* 1817. No. 233. p. 119.

† *Ibid.* p. 126.

‡ *Ibid.* 236.

§ *Ibid.* 240.

\* *Ibid.* p. 249, 250.

† *Ibid.* p. 25.



serve a house within four doors of his; and he had also quarrelled with the high constable for defrauding him in a supply of coals. The magistrates assigned no reason for refusing the licence, and Mr. Meek was ruined.

Mr. Dell took a public house in 1811, for which he paid near 4000l \*. From that time to 1816 the house was annually licensed, and no complaint was ever preferred against it. Two magistrates, before the licensing day, suggested some slight alteration of the counter, which was effected; the licence was, nevertheless, suspended without any reason being assigned, and Mr. Dell's property reduced from 4000l. to 1000l. The committee examined both these parties, and represent them as most intelligent and respectable men.

But passing by the consideration of the suffering occasioned by these and many similar instances of individual oppression, it will scarcely be denied, that the increase of price and deterioration of quality thus occasioned by the licensing system, in an article which is, or ought to be, a necessary of life among the most numerous classes of the community, are evils of great magnitude. The existence of these evils being established, and their cause ascertained, it is for those who would uphold and continue the system, to shew that it is productive of good effects which outweigh the evils in question.

Till they shall have made some such attempt, we can only notice the objects proposed in the preambles to the various statutes by which the system has been established.

The prevailing object, as we have shewn before, has been, the prevention of tippling, and the conservation of the morals of the poorer classes.

Now, supposing this to be, as it is professed to be, the chief object of the system, it will be impossible to advocate its continuance, if it can be shewn, that, fraught with evil as the system is, it has altogether failed to attain such its professed object; or, if means can be pointed out by which that object may be at least, as fully, if not more fully, attained, without the accompaniment of so much evil.

First, then, the object has been in no degree attained.

The framers of the acts must have proposed to attain the object, either by lessening the number of public houses, or by regulating the conduct of those who keep and frequent them. In both these points they have equally failed; but before we shew to what extent, there is a preliminary topic which ought not to be passed by unnoticed.

It has been stated, that the adulteration in the quality of beer,—the natural result of monopoly,—in many instances, drives the poorer classes to the use of spirits. Mr. Adams affirms, that in houses where good beer has been drawn, the consumption of spirits is comparatively trifling, but where the beer has become bad, that consumption has greatly increased\*: this alone is productive of the worst effects upon the morals and health of the community. The experience of every age and nation has shewn, that stimulants will be resorted to for the support and alleviation of human toil; but of all stimulants, ardent spirits are notoriously the worst, whether in their tendency to increase the appetite for indulgence, or the quick and excessive intoxication which they produce, when taken in large quantities, or their ruinous effects upon health. To prohibit them directly would only be a fruitless, and, therefore, vexatious interference with general freedom of action; but it is clear, that the use of them may, to a considerable extent, be indirectly repressed, simply by taking off the restrictions which affect the sale of beer.

The mischief produced by the encouragement now given to the consumption of ardent spirits, forms, however, but one small item among the points in which the licensing system has failed to advance the public morals; and this brings us to its effects upon the number of public houses.

It appears distinctly from the evidence before the committee, that the great London brewers have obtained so complete an ascendancy upon the bench of magistrates, that the discretion reposed in that body, with respect to the granting, withholding, or suspending licences, is seldom or never exercised, but for purposes of partiality and oppression; and so far have they been from limiting the number of public

\* See Report from the Committee, Sess. 1817, No. 233, p. 27.

\* *Ibid.* p. 123.



houses, that in the most depraved districts, where, if any where, such a limitation might be contended to be beneficial, the multiplication of these houses has been permitted, to an extent incompatible with the publican's gaining a livelihood, except by resorting to discreditable means.

Although in some districts, it has been the custom for magistrates personally to inspect the houses for which new licences are solicited, yet, in High-street, Shadwell, according to the evidence, one house in twelve is a public house\*; in Lower Shadwell, one in six; in New Gravel Lane, one in eight; in Norton Folgate, there is one to every seventy-three persons†; in Whitecross-street, there are twenty-three in three hundred yards, maintained principally by disorderly persons of both sexes; in some other streets, there are four or five within a few doors of each other‡. Mr. Bowles, a magistrate for Surry, says, that "in his district, public houses are greatly more numerous than are required for the wants of the people; they exist in clusters"§. Mr. Beaumont says,

"There are two new houses in Trafalgar-street, City-road; the neighbourhood is very thinly peopled, so that its wants could form no part of the consideration, but the different sides of the street are in different divisions of justices; the Finsbury justices opened the first house, one year; the Tower justices the second, the next: the house in the Tower division was the one built for the purpose, the other was a very small one, of which a lease had been taken by Mr. Campbell, a dentist in White-chapel, a particular friend of Sir Daniel Williams, who licensed it. Mr. Campbell sold the lease for 500*l.*; as soon as the penny was turned, but not before, the public house opposite was allowed a licence||."

Mr. Gifford, one of the magistrates of Worship-street, stated, that in going round with the inspecting magistrates of the Tower district, it was agreed to grant a licence to a new house which had been refused the preceding year; the only reason he could discover for the change of opinion was, that the house had changed its owner¶: he further stated, that licences are granted with great facility, and far beyond what is necessary for the public accommodation. That upon a petition of

many respectable inhabitants, a licence was refused one year to a house in Morgan Lane in the Borough; the house, however, was opened by the fraudulent transfer of a licence granted to another, and though the man was prosecuted by the Commissioners of Excise, yet the licence was granted the following year\*.

Mr. Beaumont stated, that one Roberts, having solicited a licence for a house at Shepherd's Bush†, it was represented that he was not the owner, though he had sworn himself to be so; the licence was nevertheless granted: at the ensuing meeting of the magistrates, the licence having been transferred, a full disclosure of the perjury was made, when the justices refused to allow the transfer: at another meeting, however, the Hammersmith magistrates came in a body, and allowed the transfer, outvoting the others by one.

Mr. Beaumont further stated that no vigilance was exercised on the part of the magistrates of the Tower division to examine into the claims of new candidates for licences; that they resolved immediately, it being but the work of a moment; that on the last licensing day they licensed a small brick-shell in Marshall-street, Hoxton, against which a petition was presented by a great part of the neighbouring inhabitants; and that another unfinished house was licensed at the bottom of Pitt-street, Bethnal-Green, belonging to Messrs. Hanbury, there being in the vicinity six public-houses, two very near, and the whole within three hundred yards. Being asked if the propriety of licensing these houses, on the ground of their necessity for the accommodation of the neighbourhood, was discussed in the meeting of the magistrates, his answer was, "there were very few words; there was no discussion, no argument used‡."

Mr. Bowles stated that 30 or 40 transfers are sometimes granted in a day, without investigation, under a notion that the duty is merely ministerial, and that the magistrates have no discretion, even in cases where, from the gross misconduct of the publican, he could have very little chance of a renewal of his licence; also, that when it has been thought necessary to take away a licence, a pet-

\* Report of 1816, p. 82. + *Ibid.* p. 117.

† Report of 1817, p. 226. § *Ibid.* p. 170.

|| *Ibid.* p. 197. ¶ Report of 1816, p. 96.

\* *Ibid.* p. 97. + Report of 1817, p. 196, 197.

† *Ibid.* pp. 39, 40. § *Ibid.* p. 174.

tion from a brewer has altered the determination of the magistrates; and that under the influence of a brewer, who had a lease of the house, a licence was granted in a situation highly objectionable\*. Mr. Hanbury admitted that his house employed one of the clerks to the licensing justices as agent to forward the interests of the house, and Mr. Lush, a clerk in the police-office, Worship-street, for the same purpose†.

The facility with which some new houses have been licensed, against the wishes of their respective neighbourhoods, is strangely contrasted with the refusal of others unanimously petitioned for by the inhabitants in the vicinity‡; which plainly shows that considerations of public morals or convenience, do not guide the decisions of the magistrates. Mr. Rohde, a magistrate, says that there is difficulty in the Tower hamlets for any one to get a licence who has not a particular interest§; and the Rev. Mr. Robson, another magistrate, avows that if applications for two houses were to come before him, he should in preference be inclined to favour the interest alluded to.

So much for the restraint imposed by the licensing system on the multiplication of public houses:—Now for the regulation of the morals of those who keep and frequent them.

As to the guarantee for character supposed to be obtained by the certificate required at the hands of the publican, as a preliminary to his petitioning for a licence, it appears to be a common practice in the metropolis for the beadle of the different parishes, to obtain, for a small gratuity, the number of signatures required||; the certificate is then delivered to the high constable, and by him to the clerk of the justices, who, as we have seen, is, in some instances, the brewer's agent.

The high constable is usually a tradesman who receives no salary for a responsible and laborious office, and who is in general the friend or enemy of the publican, as he obtains, or fails to obtain, the publican's custom¶.

Then the monopoly and power which the licensing system throws into the

hands of the brewer, begets of itself an indifference to character in publicans, which their own interest would otherwise prevent. Mr. Adams says, he has observed in general a great difference in the conduct of a brewer's tenant, and that of the occupiers of free houses, the latter being more tenacious of character, *for upon that only can they depend*; whereas the tenant of the brewer is generally careless of reputation, as he trusts to the influence of his landlord in securing the continuance of his licence\*: his landlord is frequently a magistrate, and though the law prohibits his sitting on the bench on licensing days, yet his weight and authority is still there, and it is through his influence with his brother magistrates that he supports the credit of his houses.

It follows that these licensed houses, so far from affording any security for the conduct of those who frequent them, become in a great degree exempt from the control of the law. Mr. Platt says of the public houses in Bethnal-Green, that they are dreadful nuisances to the sober and decent part of the community, and that the Sabbath is profaned by scenes of riot and drunkenness†. Mr. Reynoldson, the constable, says, that several of the publicans in that parish have acknowledged to him, that in consequence of the number of public houses, they were compelled to allow of disorderly visitors and illegal practices; for there is not sufficient trade to keep them without‡. The constable, instead of presenting seven of these disorderly houses, was induced, at the request of the magistrate, Mr. Mercer, to present only one; but though he complained of the house being at all times full of company, boys and girls at late hours with cards and dice, the landlord gambling with his company, and insulting the parish officers, the licence was renewed.

There is, indeed, scarcely a single instance mentioned in the report, in which the licensing system has been taken advantage of for the suppression of immorality.

Mr. Beaumont, after stating that many of the public-houses in the Tower hamlets, are disorderly, and that the worst practices are allowed in them, adds, that not only no attempt has been made

\* Report of 1817, pp. 170, 171. † *Ibid.* 250.

‡ Report of 1816, pp. 96, 97, 98.

§ *Ibid.* p. 193.

|| Report of 1817, p. 158.

¶ *Ibid.* pp. 205, 156, 228, 256.

\* *Ibid.* p. 122. † *Ibid.* p. 268. ‡ *Ibid.* p. 277.



to put them down, but that when information has been tendered, it has been overruled\*. Mr. Markland, one of the magistrates at the Shadwell police-office, asserted, that if he should make a specific report to the magistrates against a public house, setting forth that it was the resort of thieves and persons of bad character, he did not think he should have more than his own vote for depriving the publican of his licence†. Mr. Gifford says,

"That it seldom happens that licences are taken away; that the facility with which licences are granted and renewed to persons of bad reputation and conduct, is highly injurious to the public morals; that he has long ceased to attend on licensing days, because he found little or no good resulted from such attendance, in refusing licences to infamous houses‡."

The case of the parish of Shadwell, as detailed in the unexceptionable evidence of Mr. Fletcher, shows

"That the most orderly and licentious conduct of the houses belonging to particular brewers does not insure the loss of the licence; but that if at last, from the notorious infamy of the parties complained against, the magistrates are compelled to interfere, the least possible punishment is inflicted, the tenant is shifted, a real or fraudulent transfer is made, and a new landlord takes possession to follow the old practices in the same house with aggravated misconduct: the maxim is, 'the house being brick and mortar cannot be guilty of any crime,' and the old system is revived with the same profit as before§."

It follows, therefore, that the licensing system, instead of acting in aid of public morals, affords a security to disorderly conduct, which could not otherwise be attained.

If the foregoing statement be true, and it rests in the main upon the most indisputable evidence—the admission of parties interested, before the highest tribunal in the land—the following positions seem to be pretty clearly established.

1. That the licensing system is productive of mischief in compelling the great body of the people to consume an inferior article at a higher price than that at which it could be vended under a system of free competition: in driving them to the use of ardent spirits; in exposing the publican to oppression, and rendering his property insecure.

2. That the system has failed altogether to repress disorderly and immoral conduct, either by limiting the number of public houses, (supposing such limitation to be desirable,) or by affording any check on the conduct of those who keep and frequent them; whilst, on the contrary, it encourages offence by securing impunity for offenders.

The original intentions of the legislature have thus been completely defeated, and the means pursued for a good purpose have so far produced nothing but evil.

But since the institution of this system, the state of society has been so greatly changed, that other considerations remain to be weighed before we can decide on the propriety of its entire abolition. One of these considerations, which seems very slightly to have engaged the attention of the committee, is the nature of our police establishments.

In England, we have not only no Preventive police, but the most rooted prejudice seems to exist among all classes, against any such institution. In such a state of things, all that can be done is to afford the actual police the best means that can be devised for the discovery and apprehension of offenders. The chief means which have hitherto presented themselves, have been found in the resort of the police officers to the public houses frequented by offenders,—their associating with such offenders there, and so becoming acquainted with their habits and persons; and if the licensing system have the effect of reducing the number of those haunts of vice, it of course narrows the field of police-superintendence, and renders it easier to the officers to discover and watch the different places of rendezvous.

Whether or not the licensing system affords any facilities in this way, the committee did not inquire, for they lament exceedingly, that criminals should be able to resort to any house of public entertainment; and that police officers should there associate with the criminals.

This opinion seems to have been formed upon little deliberation, and it is not easy to concur in it. The objection alleged against any public rendezvous for criminals, is, that though they may be apprehended in such places,

\* Report of 1816, p. 71. † *Ibid.* p. 120.

‡ *Ibid.* p. 88. § Report of 1817, p. 130—149.

"Crimes also there are planned; and that in these schools and academies for vice, adapted



to both sexes and to all ages, where one thief is seized, a hundred are trained to those courses, which, if it had not been for the legalized haunts of prostitutes and felons, the unfortunate individuals might not have been seduced to engage in\*."

Now, it will scarcely be expected that any efforts or regulations of police, however perfect, will prevail in the present state of society to suppress the existence of a considerable body of offenders.

It will scarcely be expected that any rigour of police should avail to prevent such persons from finding some place in which to assemble, and from enticing to their assemblages, young and inexperienced persons of both sexes. No machinery of police has ever succeeded in suppressing altogether assemblages of persons engaged in a common purpose: it may be assumed, that such assemblages will take place, either in secret, or openly.

But if we must have rogues, and rogues will meet somewhere, it is surely, for every object of police, better that they should meet openly than that they should meet in secret. In proportion as their haunts are known their apprehension is less difficult. In proportion, too, as these haunts are known they are branded with such a mark of infamy as is sufficient to deter from their threshold all that class of persons hovering between the confines of good and bad character: all that class for whom there is yet a *locus penitentiae*, and any opening or motive for a return to good habits. Many would resort to a secret meeting, accessible without the risk of—at least, immediate—discovery, who would shrink from the certain infamy which follows the entrance of the flash house.

As to the ordinary measures pursued by parish officers, and others of higher degree, for making offenders ambulatory; for simply removing them from one district to another; so long as offenders exist, little can be gained to the morals and happiness of this country by the nightly expulsion of wretches from the sheds of Covent-garden Market to the brick-kilns of Camden Town; or to the morals and happiness of the world, by a yearly expulsion of the same wretches from the shores of Great Britain to the shores of New South Wales.

The better policy would be to aim at establishing good laws and good judicial institutions; to aid them with an

effective police, and so to diminish the number of offenders, by increasing the certainty and proximity of punishment.

This brings us to the objection expressed by the committee to the intimacy between officers of the police and criminals—

"By which, in the opinion of the committee, under the disguise and pretence of furthering the detection of crimes and the apprehension of criminals, the guilty may be allowed to escape, the officers of justice exposed to dangerous temptations, and their character brought into great disrepute\*."

Undoubtedly, under such a plan of police, the guilty may be allowed to escape, and the inferior officers of the police will probably not stand in very high repute. But these inconveniencies are less than the evil of letting *all* the guilty escape; and what other plan is there by which *any* can be taken, except in the small number of instances in which they are caught in the act of perpetrating the crime? By knowing the accustomed haunt of the thief, the thief-taker knows when he has been absent, and upon the perpetration of any offence has an immediate clue to the person of the offender. We must take the means as we find them, and content ourselves with lessening, as far as in us lies, the inconveniencies with which they may be accompanied. These inconveniencies, however, do not appear to be very serious, and the weightier of them it will not be difficult to avoid.

As to the reputation of the subordinate officers of the police, it can never be expected to stand very high, considering the disagreeable nature of their functions, and the aversion which every respectable man must feel to be engaged in them; but as to the possible facilitation of escape to offenders, from the circumstance of the officer's being in habits of intimacy with him, that may perhaps be obviated.

To repose confidence in honour and integrity where they can be scarcely expected to have existence, would be justly ridiculed; but it might not be insuperably difficult to render the interest of the officer compatible with his duty. When it is once clearly the interest of the officer that the offender should not escape, we may rest pretty secure, that in the long run intimacies will not prevail against interest, and then it only remains so to guard the interest as that it may not lead

\* Report of 1817, p. 17.

\* *Ibid.* p. 17.



to the apprehension of the innocent; an object, perhaps, of difficult, but by no means of impossible attainment.

Assuming it to have been established by the foregoing arguments, that so long as offenders exist, it is not inexpedient that they should resort to certain public places of rendezvous, and that the officers of the police should there become acquainted with their persons and habits, would the abolition of the licensing system have a tendency to multiply such places of resort, and thereby render it more difficult for the police to discover and watch them?

If it would, it does not appear how the licensing system could be abolished without destroying the little efficacy which the police now possesses.

If it would not, there does not seem to be a single argument in favour of the licensing system.

It is clear from the evidence before the committee, that the number of public houses,—especially in districts where the flash houses most abound, and the population is most depraved,—is already greater than is compatible with the ordinary profits of trade, without resorting to a discreditable way of carrying on the business.

It is equally clear, from the same evidence, that but for that creature of the licensing system, the influence of the great brewers, which supports the publicans in their improper courses, a much smaller number of them would be enabled to carry on a discreditable traffic. Publicans, independent of the brewers, must, in by far the greater proportion, conduct themselves properly from apprehension of the ruin consequent on punishment; whereas a publican dependent on a brewer may set character at naught, and may be guilty of every kind of misconduct without incurring the risk of punishment or check.

Assuming that without recourse to discreditable conduct, so many publicans could not carry on their trade, as are enabled to carry it on by a recourse to such conduct, it seems indisputably to follow, that if the number of those who can carry on the trade discreditably, be diminished, the number of public houses will at least not be increased.

But admitting that the abolition of the licensing system would double or treble the number of public houses, it by no means follows that it would in-

crease by a single unit the number of flash houses; on the contrary, as there would be no publicans who could rely on the brewers for protection, notwithstanding their bad conduct; as the greater proportion of them would have an interest in establishing and maintaining a character for good conduct, lest by exposing themselves to punishment they should expose themselves to ruin, it is difficult to suppose that the number of flash houses would not, under such circumstances, be smaller than at present. Upon the reduction of the duty on coffee, numerous coffee-houses sprang up all over London, without licence, for the accommodation of the poorer classes, and were and are very numerous frequented; but among the whole number, not above two or three became flash houses, and these are well known to the police.

That the mere increase in the number of public houses without an increase in the flash houses, would be an evil, it is difficult to conceive. At present it seems impossible, even in the country, to refuse at least one house of public entertainment in every parish; and though some might wish that there should be not even one, yet if one be allowed, it is not easy to see what can be the objection to two or more. With regard to morals it can make no great difference whether twenty persons be congregated to drink bad beer in one house, or twice ten to drink good beer in two: in the division of the party there is rather advantage than not.

With regard to the temptation to drink, that must depend on the amount of money and time which the drinker has at command, and upon the state of his ideas and habits;—not on the number of alehouses. Increasing the number of alehouses will not increase the amount of his means, and if he have the means already, the gratification may be obtained as well at one alehouse as at twenty. There is reason to think, however, that in proportion as they are numerous, the centre of attraction will lose its power; and that if every other house were a house of entertainment, people would be as sober as they are where every other field is a vineyard, and for the same reason. Whatever of easy attainment ceases to be an object of intemperate desire.

To the abolition of the licensing



tem, there still, however, remains an obstacle, which, though not avowed nor avowable, is perhaps the *only* obstacle of difficulty;—the influence of the monopolist brewers.

Upon any intelligible scheme of justice or benevolence, there can be no doubt that the interests of fourteen or fifteen millions of people ought not to be sacrificed to the interests of fourteen or fifteen, or forty or fifty brewers. If one of the two parties *must* suffer inconvenience and loss, the suffering ought to fall where it will be least in amount. But our legislators belong to the class of the rich, and their sympathies naturally lean to the class in which they move. It is much to be apprehended, that the sufferings of the princely brewers will, in the estimation of a legislature so constituted, greatly outweigh the sufferings of the rest of the community. We have it on the authority of Dean Andrews, that a breach of the law is a matter of very little importance, where only "*ale-drinkers*" are affected by it\*. The sufferings and loss of the brewers, however, it is possible to mitigate by the time and mode of any proposed alteration. The measure may be prospective, and the brewers may have sufficient notice gradually to withdraw their capitals from the pernicious monopoly of licensed public houses.

It seems difficult to effect any useful reform without abandoning those licences. So long as they are continued, it will be impossible to prevent them from becoming in effect the property of opulent individuals; and so long as they are the property of opulent individuals, it would be idle to expect any cessation of the evils which they now occasion.

Supposing the licence,—that is, as far as the magistrate's consent is concerned,—to be abolished, we should still have even in the common law, more completely than in the licence, assuming it to be honestly withheld, a security for the correctness of the publican's conduct, and the due regulation of his house. In point of fact, the licence, as it has been shewn, so far from operating as a security for good conduct, has had an opposite effect, and has afforded incitement and impunity to bad. But if it had been employed for proper purposes, it could only have been brought to bear against the publican once a year;

whereas, by the common law, he might — if his house were a nuisance to the neighbourhood, or were kept in a disorderly manner — be presented, indicted, and punished at the quarter sessions, in the country four times, and in London eight times in the year; and by statute, he might be summarily punished by fine.

In a few words, therefore, all that is wanting in the way of change, is—to divest the magistrates of the control they now exercise, preliminarily to the publican's taking out a licence at the excise: in other respects, to leave their power over the conduct of the publican what it is at present, both by statute and at common law;—or even, if it be thought necessary, to increase that power by subjecting publicans to heavier penalties: but to take away the control of the magistrate over the licensee, because that licence becomes virtually the property of the brewer;—because the brewer has thereby a motive to control, and from his opulence and power is enabled to control the magistrate;—and because by exercising such control over the magistrate, he is enabled to establish a monopoly which compels the people to drink bad beer, which drives them to the use of ardent spirits, and which, while it secures the publican from punishment for misconduct, often subjects him, when innocent, to the most ruinous insecurity of property.

To abolish this monopoly, and completely to carry into effect the intentions of the legislature, with regard to the morals and habits of the people, which the magistrate's control over the licensee has so entirely frustrated, some such regulations as the following, would appear expedient: viz.

That every man who has obtained the excise-licence should be at liberty, without the consent of magistrates, to open a public house upon condition of finding two sureties in 150*l.*, instead of 20*l.*, as at present, to answer for any fines which he might incur for misconduct permitted in his house:

That, upon proof of riot or tumult under his roof, or of intoxication so noisy as to disturb his neighbours, he should be convicted (as by 3*rd* Geo. IV. c. 77) by a single magistrate, in a penalty not exceeding 5*l.* for a first offence, and 20*l.* for a second:

\* See Parl. Papers, 1816, No. 179. 2.  
SESS. 1826.



That, for a third offence, he should (as under that act) be bound over to appear at the quarter sessions, and if convicted there by a jury, be fined in any sum not exceeding 100*l.* and be disabled to keep a public house for three years:

That he should be appointed a special constable in his own house, with power to turn out or reject such guests, with the exception of police officers, as he might deem objectionable:—(Against any abuse of this power his own interest would be a sufficient security; while the possession of it would deprive him of all excuse for permitting disorderly conduct:)

And, lastly, that, with a view to the ready superintendence of the police, he should be compelled to keep his doors open so long as he had any company in his house.

Considering that Mr. Peel has signified his intention of taking this matter in hand, it may perhaps be deemed somewhat presumptuous to have offered these suggestions by way of conclusion. In his intelligence we have full confidence, and believe that if any man *can* overlook the influence of the brewers, and establish a better claim for our respect, than the licensing magistrates, Mr. Peel will do it.

#### *Bankrupt Laws:—(Debtor and Creditor Arrangement Bill.)*

If it could be satisfactorily shewn that under the best possible plan for a distribution of the property of an insolvent among all his creditors, the process of distribution must, in the majority of instances, consume the whole, or the greater portion of the property, there might be good reason for concluding, that a system of bankrupt law is productive of more harm than good; that it would be better that the property should be preserved, even by a preference of a particular creditor to the exclusion of the rest, than that it should be dissipated among lawyers and witnesses; and that credit should derive all its confidence and security from the caution of the creditor, and the character of the debtor. Nothing but a parliamentary return, shewing the expenses and assets upon all commissions of bank-

rupts for two or three years, could set this question at rest.

Although, however, doubts may be entertained on the subject, we shall assume for the purposes of the present inquiry, that a law for the distribution of the estate of an insolvent person, among all his creditors, is a useful institution. If so, among the good effects of such a law, may be reckoned its tendency to promote at once liberality and caution in every individual trader:—liberality as a creditor, by affording him the security of a rateable proportion of his debtor's property;—caution as a debtor, by rendering dishonesty penal and unavailing.

In order to effect a distribution of the estate of an insolvent for the benefit of his creditors, provision must be made for its preservation by an immediate transfer to the distributor:—for the gradual collection of debts and outstanding effects:—for the conversion of the whole estate into money, and its subsequent distribution:—and the excellence of laws enacted for the purposes in question, will depend upon the degree in which they are adapted to effect it, by these several stages, justly, expeditiously, and cheaply. The release of the insolvent, which should follow as the natural consequence of the surrender of his effects, though not materially involved in the present inquiry, will be shortly adverted to, towards the close.

For the purpose of preserving and getting in the effects, it is obvious, that provision must be made for the immediate transfer of the property in them, and for ensuring speedy possession. A law, merely directing the mode of distribution, even though guarded by penalties for its violation, would, unless it were available to effect such transfer of title and power of seizure, be inefficient. But powers are also necessary for summoning, apprehending, and examining the insolvent and his co-creditors, or others, suspected of concealment or mal-practices, in relation to his estate and dealings. Compulsory process in all these matters must form an indispensable ingredient of any efficient bankrupt law.

Cases may undoubtedly occur, in which compulsory powers may not be called into action; but, in framing a general law, nothing short of such an authority over property and person,

will meet the exigency of the greater number of cases, or countervail the dangers to which insolvent estates, from fraud, improvidence, or adverse proceedings, are ordinarily and notoriously exposed.

With a view to the distribution of the effects, when realized and turned into cash, whoever administers the law, must possess authority and knowledge sufficient to inquire into and determine the validity and legal effects of contracts and securities, in all their various forms,—to adjudicate upon disputed rights of action,—to unravel and adjust the conflicting interests of different parties, and ultimately to allow or disallow the several claims upon the estate. There can be no complete code of insolvent law, without such powers. Extensive and important as they undoubtedly are, yet the exercise of them all, occasionally at least, is necessarily involved in a system intended to effect an absolute transfer of all the rights, interests, and property of the insolvent, the transmutation of the whole into money, and a speedy and equal distribution of the proceeds among his *bonâ fide* creditors.

Economy and expedition are also of the essence of this branch of the law, since deficiency in this respect has a direct tendency to defeat the primary object of rendering the estate as productive as possible, for the relief and satisfaction of creditors.

It must be recollected, however, that in the usual circumstances of an insolvent trader's affairs, considerable time and labour are requisite for the purpose of a final division of effects. Debts must be got in, often by legal process, accounts must be settled, claims to outstanding property enforced, differences adjusted, securities valued, effects sold, the entire estate converted into a divisible fund, the aggregate amount chargeable upon which must be ascertained by an investigation of each particular claim, actual division and payment must be made, and the general account finally balanced and closed. This detail of particulars is applicable to the ordinary case of a retail home-trader, carrying on business to a moderate extent, and involves in it no such special circumstances as commonly attend foreign correspondences and dealings, complicated partnerships,

or several sets of partners, nor any of the intricacies and difficulties created by fraudulent concealment and perjury. Such more involved cases, however, are of frequent occurrence, and require in their management every aid that can be derived from the interposition and authority of the law.

From this cursory statement, it may be inferred, that the subject under review, comprises matter of legislation too important, complex, and extensive, to be efficaciously dealt with by enactments, or a method of procedure, affecting great brevity and simplicity; that persons possessing responsibility of character, habits of business, and a respectable proficiency in the science and practice of the law, are the only fit agents to be intrusted with the requisite authority for carrying the purposes of the legislature into execution; that every insolvency will call for a considerable sacrifice of their time and attention; and lastly, that for the bestowing of these, (which, to such men, are the chief sources of income and property,) they must be adequately remunerated.

Admitting that the honest assent and co-operation of the debtor must facilitate the end proposed, yet, with a view to cases in general, it would never be safe to omit precautionary enactments, or to confer less ample authority: for, first, professed honesty of intention is no security against actual fraud, for which, on the contrary, it may be used as a cover; and next, in respect of debtors to, or claimants upon the estate, and in respect of outstanding effects and interests, available, or that ought to be available, for the benefit of the creditors, the case is not materially varied by the concurrence or contumacy of the insolvent, depending less upon *his* demeanour, than that of the other parties: the same powers are therefore necessary in relation to persons and property, whether the insolvent be a willing party, and conduct himself uprightly towards his creditors, or not.

Having premised thus much, we proceed to examine briefly, the general scope and character of a bill which was pending in the House of Lords at the dissolution of the last parliament, intitled, "An Act to facilitate arrangements between debtor and creditor." The measure was introduced in the



lower house, with the professed intention of removing the obstacles caused by the Bankrupt Laws to the settlement of insolvencies, by mutual assent of debtor and creditor; and of furnishing a remedy for the alleged inefficiency and expensiveness of the bankrupt system.

The bill appears to have been originally framed under an impression, that the subject is capable of being disposed of, and the end attained, by a concise and simple method, divested of the minute and manifold provisions of the statutes of bankruptcy. That we are justified in attributing this impression to the framer of the bill now under review, will be manifest to any one who will be at the pains of reading it in its original form; for it was only after frequent discussion and comment had unfolded something of the true nature and difficulties of the subject, that the bill swelled out into its present comparative fullness and complexity.

If it shall be shown in the course of the ensuing paper that any unnecessary expense and delay incurred under the English bankrupt law in the distribution of the property of an insolvent person, is occasioned not by the substantive enactments of that law, but by abuses or ill-judged provisions which have crept into the details of its execution, it will follow that, as a remedial measure, the bill of last session is misconceived, being intended, not to correct errors in the administration of the bankrupt law, but to introduce a substitute, which, as far as it should operate, would supersede it. But the proceedings under the new bill would be, at least as much, probably more expensive, than proceedings under the established bankrupt law; while in its details, the bill is utterly defective, and inadequate to the accomplishment of its professed purposes.

With reference to the comparative expense of the management of an insolvency, under a commission of bankrupt, and under the provisions of the new bill respectively, let us take the case of a home trader, of moderate property and business, and without any real estate; the total expense, under a commission for such a case, will average below 120*l*. Let us suppose a similar case under the provisions of the new bill, in which the number of creditors shall be twenty; there shall be three meetings, the trust deed shall be ninety

folios in length, a solicitor and an accountant shall be employed, an arbitrator shall be appointed, and a release shall be executed to the trustees. Here, be it observed, that the supposed number of meetings is the least possible;—there are no freeholds, which, if there were, would greatly increase the expense, as additional deeds would be required; and every thing is presumed to proceed regularly, without fraud or litigation;—let it be supposed in addition, that the arbitrator is allowed the lowest sum prescribed by the act; that the accountant's charge is 20*l*., which is much below the usual amount in such cases; that the solicitor's bill is unexceptionable, and that the only application to the Court shall be by petition, as directed by the act, for the appointment of an arbitrator. It is evident, that many charges are here omitted which, in a majority of cases, will be to be added; yet the expense, thus calculated, will amount to no less than 130*l*.

The particular enactments of the bill which chiefly demand attention, are those which relate to the execution of the trust deed, the constitution and powers of the meetings of creditors,—the appointment, powers, and duties of the trustees, and of the arbitrator,—the jurisdiction of the Courts of Equity, and the protection and discharge of the debtor.

In relation to the trust deed, the enactments are in substance—That no deed executed by any trader liable to the bankrupt laws, whereby all his estate and effects shall be conveyed in trust for the benefit of all his creditors, shall be an act of bankruptcy, if executed by nine-tenths in number of creditors of 10*l*. each, being creditors to the amount of nine-tenths of the whole of his debts; provided such deed shall have been so executed or assented to in writing, within three calendar months from the first signature. And if, within fourteen days of the first signature, notice shall be published in the Gazette and two newspapers, that the deed has been in part executed, then the same is to be binding, as soon as executed by the prescribed proportion of creditors. To prevent doubts as to the due execution of the deed, the trustees and trader may make affidavit before a justice of the peace, that, to the best of their knowledge and belief, the specified proportion of the



creditors had executed before the trustees had notice of any proceeding at law or in equity, calling in question the deed, or any proceeding under it; and then, after inserting a copy of the affidavit in the Gazette and two newspapers, the deed shall be deemed to have been duly executed, unless some such proceeding at law or in equity shall be commenced within six calendar months after such insertion in the Gazette, &c. and unless such proceeding be duly, and without unnecessary delay, effectually prosecuted; and it is afterwards provided that, if any doubt arise touching the execution of the deed, and no arbitrator shall have been appointed, the trader, or any creditor or trustee under the deed, may petition the Chancellor or other judge in equity, who is to hear such petition in a summary way, and make such order as he shall see fit. A separate clause provides, that the act shall not extend to any such deed of trust executed by *all* the creditors.

These provisions are framed upon the supposition, that the accession of the requisite proportion of creditors may not be procured within a less period than three months. During this time, the property, instead of being secured as under the bankrupt law, by an immediate transfer to the assignee, is under no effectual control or protection; the trustees are incapable of enforcing any claim, of resisting hostile proceedings, or of conferring a legal title; and it remains all the while doubtful, whether, after much expense and delay incurred, the measure will not in the event prove abortive, by the intermediate dissipation or seizure of the estate, or for want of a sufficient number of signatures.

Then the provision as to the proportion of creditors required to give effect to the deed, is so difficult of application, and so little susceptible of that certainty, which, in such a case, is the prime requisite, as to present a fruitful source of embarrassment and litigation, and consequent waste of effects, and disappointment to the creditors. The probability of the occurrence of such evils was too manifest to be overlooked; and accordingly, by a clause, the substance of which is given above, an attempt is made to obviate them. The remedy offered, however, is not only very imperfect and inadequate to the occasion—inasmuch as it is no bar to litigation until after

the expiration of six calendar months—but is highly objectionable in principle, because, after assuming the existence of doubts upon a fact, (namely, the precise amount in number and value of the creditors,) which cannot ordinarily be within the knowledge of the trustees, and with whom therefore it must be for the most part matter of uncertainty, it is nevertheless put to them to make oath for the solution of those doubts, that, to the best of their knowledge and belief, they are unfounded. If it be alleged that there is no better method, this only confirms the objections to the entire plan. But be the provision never so unexceptionable in itself, it is rendered entirely nugatory by the subsequent section, (unless we totally mistake its meaning,) whereby it is expressly provided, that the due execution of the deed may be called in question at any time, and determined by the arbitrator, or, if none be appointed with sufficient powers, by a Court of Equity. Whether the basis thus laid for the speedy, cheap, and beneficial arrangement of an insolvent's affairs, promise much for the attainment of that desirable object, we leave the reader to judge.

The clause by which assignments in trust, executed by *all* the creditors, are excluded from the operation of the bill, exhibits a further instance of unskillfulness, and want of consideration. It is true, that no law was necessary to declare that such a deed, so executed, should not be an act of bankruptcy; but why withhold from it the benefit of those powers of examination, and other privileges, which are not less beneficial when the whole, than when only a part, of the creditors are concurring. To secure the concurrence of all, would seem to be the crowning point, and perfection of the plan; and to make that the immediate occasion of denying advantages, conceded in less advanced stages of concurrence, is surely a strange anomaly in legislation.

With respect to the meetings of creditors,—they are required to consist of those who have signed or assented to the trust deed, and may be convened by the trader, or by three or more creditors, or any trustee; each creditor to have seven days notice at the least, and not more than fourteen days; and all questions to be decided by a majority of those



present, such majority, when voting for the removal, confirmation, or appointment of trustees, not being less in number than half, and, in all other cases, than one third, of those who have executed or assented to the deed. After the direction for serving notice on the creditors individually, a clause is inserted, providing that notice of any general meeting, inserted in the Gazette and two newspapers, ten days at least, and not more than fifteen days, before the meeting, shall be sufficient. Any creditor may be required to make affidavit of his debt, in order to entitle him to vote. After any general meeting under the act, all previous meetings are to be taken to have been duly held, unless there shall be a complaint by any creditor of his having been absent for want of sufficient notice; which complaint is to be heard and determined by the arbitrator, or, if none, by the Lord Chancellor, or other judge in equity, upon petition. The orders and resolutions of each meeting are to be inserted in a book to be kept by the trustees.

The acts which general meetings of creditors are empowered to do, are, to confirm the trustees named in the deed, or to remove them and appoint others—to call for and investigate the trustees' accounts—to petition the Lord Chancellor, or other judge in equity, to appoint an arbitrator, and to consent to his being invested with power finally to determine all matters relating to the insolvency; and to assent to a petition to the Lord Chancellor that the execution of the deed by the trader may be declared an act of bankruptcy. And such matters as shall be agreed by the prescribed majority at any general meeting, are to be binding upon all persons who shall be bound by the deed.

It is scarcely necessary to observe, that the regular exercise of the powers thus vested in the meetings of creditors, is essential to the attainment of the general object of the law; and that, therefore, their legal right and competency to act, ought to be unquestionable.

Now there are chargeable upon the plan, for the formation of these meetings, two radical defects. In the first place, the validity of all the acts of the general meetings depends upon the concurrence of a constituted majority, having relation to the total amount, as well in number

as value, of the *bonâ fide* creditors of the insolvent; consequently, as long as such total amount remains unascertained, every act of every general meeting will be liable to be called in question, and set aside, in any stage of the proceedings, by the discovery of new debts, or the reduction of old, on the ground of error or fraud. And it is no answer to point to the clause before referred to, empowering the trustees and trader to make oath as to the due execution of the deed, because that is an optional act, and inoperative, at all events, for six months.

In the next place, as it must always be a matter of uncertainty, whether the prescribed majority in number and amount, supposing it to be ascertained, will attend; and as the acts to be done by the general meetings must be agreed to by such majority, or left undone; the proceedings, after execution of the deed, may be stopt *in limine*, or rendered abortive at any subsequent point, at which the concurrence of a general meeting may be required. Meetings of creditors, it is well known, are seldom fully attended, and, not unfrequently, do the attempts to convene them wholly fail. Even the obvious expedient of admitting votes by proxy, under powers of attorney, is here omitted.

With relation to the trustees and arbitrator, the bill provides, that at a general meeting, the trustees named in the deed may be confirmed or removed, and in case of removal new trustees appointed. The trustees, when appointed, may execute powers vested in the trader; sell and convey his estates, institute and defend suits, &c.

An arbitrator may be appointed by the Lord Chancellor, or other judge in equity, upon petition from a general meeting; and, if so expressed in the petition, may, at the discretion of the Lord Chancellor, have full power finally and without appeal, to determine all matters relating to the administration of the insolvent's affairs. For his services he is to be paid, by order of the Chancellor, &c., upon the trustees, not less than 10*l.* nor more in addition than 1*l.* in every hundred of the amount paid to the creditors. The trustees or arbitrator are empowered to examine the trader on oath, from time to time, touching his property, and to call upon



any creditor, or claimant, against the estate, to prove his debt upon oath, and, if he fails so to do within two months, his debt is to be disallowed or cancelled.

It by no means distinctly appears, what are the respective concurrent powers of creditors, trustees, and arbitrators, or whether, by the appointment of an arbitrator, the office of the trustees, and the controlling authority of the general meetings, are absolutely or in any measure superseded. This defect is calculated to introduce great confusion.

But by the original confirmation, or removal and new appointment of trustees, the power conferred by the bill in this behalf is exhausted; and whatever exigency may afterwards arise in consequence of death, resignation, misconduct or inability to act, is wholly unprovided for; leaving a source of disorder more prolific than the other.

With respect to the arbitrator, the conferring upon such an officer absolute power, without appeal from his decisions, particularly when it is considered to what an extent collateral interests may be involved, seems scarcely compatible with the due security of those interests. Such a degree of authority tends to produce carelessness and abuse of power in the party entrusted with it, and if he err, the bad effects of his errors are perpetuated without remedy. The compensation to the arbitrator, except perhaps in cases of so small extent as not to require his aid, is not commensurate with the expenditure of time and labour necessary to the faithful discharge of his duties; and if so, he is placed under manifest temptation to an arbitrary, precipitate, and slovenly manner of proceeding.

While, on the one hand, it is proposed to invest the arbitrator with uncontrolled powers of adjudication, on the other hand, the power of examination, which, in order to answer its purpose, ought to be full and extensive, is left in several respects insufficient: not only the trader himself, and his creditors and claimants upon his estate, but his debtors, and all persons suspected of being debtors, or of any fraud or concealment in respect of the estate and affairs of the insolvent, ought to be liable to be brought up and examined. And further, the right to examine, in order to be effectual, ought to be accompanied with the power of compelling by penalty explicit answers

to lawful questions; whereas by the bill, no persons but the trader and creditors and claimants against the estate, are subject to examination, and there is no power to compel explicit answers even from them. It is only in case of perjury actually committed, or of refusal on the part of the trader to be examined upon oath, that any penalty attaches; and then not in the way of enforcing submission, but of punishment for a past offence.

The clauses of the bill which provide that recourse may be had to the Courts of Equity, apply to almost every stage of the proceeding; to the appointment and remuneration of the arbitrator—to the deposit of money by the trustees—to their ultimate release—to the distribution of accruing assets in case no arbitrator be appointed—to various complaints of creditors, in like case—to adjudging upon petition the execution of the deed to be an act of bankruptcy—to frauds committed by the insolvent—to all doubts that shall arise in respect of the due execution of, or assenting to the deed, the due appointment, confirmation, or removal of any trustee, or the conduct of any trustee, or the due delivering up of documents by any trustee who has been removed—to the due execution of any of the powers of the act, or the management and administration of the affairs of the trader, where no arbitrator, having sufficient powers, has been appointed.

The only observation it seems necessary to make upon these provisions for resorting, at almost every turn, to the Courts of Equity, is, that whatever may be their merit in other respects, they are but little in harmony with the principal object of the proposed new law, considered as a substitute for the bankrupt law, namely, economy of money and of time.

The protection and discharge of the insolvent, and the punishment of fraud committed by him, remain to be noticed.

The protection afforded to the insolvent by the provisions of the bill is very imperfect, as it is only to operate from the due execution of the deed by the full proportion of creditors, which, as we have seen, may be deferred for three months; and after that, must remain subject to whatever uncertainty may attach to the validity of the deed itself, and the proceedings under it.



suing it out, suppose it delivered into the hands of the three acting commissioners, of whom one at least, is required to be a barrister: after taking the prescribed oath for the faithful discharge of their duties, and having ascertained by evidence upon oath, that the insolvent comes within the description of persons amenable to the bankrupt laws, that the petitioning creditor is competent in respect of his debt to sue out a commission, and that the party has actually become bankrupt,—they adjudge him so accordingly. From that moment the custody of the law attaches upon the whole of his property, taking effect from the time of his bankruptcy, (except as to effects transferred *bona fide* as above mentioned); and a warrant of seizure is executed by the commissioners, under which all that is tangible and moveable is reduced to actual possession. If the bankrupt thinks fit, he surrenders forthwith, and thus obtains immediate protection from arrest, until his final examination. For the discovery of concealed effects, the elucidation of doubtful claims on the part of the bankrupt, and other purposes auxiliary to the proceedings, the commissioners are invested with full powers to summon—to apprehend (if necessary)—to examine upon oath—and to commit for falsehood or prevarication, or refusal to answer lawful questions, all persons suspected of concealment or fraud, or supposed to be capable of affording material information; subject, however, to a right in the party committed to be called up and re-examined upon his own application, or to appeal against the commitment to the Lord Chancellor, who is authorized to remand or discharge him. The power of the commissioners is thus sufficiently guarded from abuse; and that its abuse is an event of rare occurrence, may be proved from the history and result of the various applications by way of appeal to the Chancellor for many years past; a large proportion of the applicants having been remanded, and most of the others discharged, not upon the merits, but for defect of form in the warrant. On the other hand, this power has been the successful instrument in innumerable cases, of exposing and defeating deep-laid machinations or defrauding credi-

tors, and of preserving and recovering property to large amounts. Every such instance, is a proof that the powers in question are well adapted to the purposes for which they are given,—purposes, which could not be effected by less efficient means, nor by a jurisdiction otherwise constituted in any material respect, than that of commissioners of bankrupt. The assignees, when appointed, are clothed with the legal title to the bankrupt's property, and with all requisite powers for getting in the effects, and conducting the affairs of the bankruptcy, subject to the authority of the commissioners, to whom they must account upon oath. Ample facility, as to time and arrangement, is afforded for the proof of debts; and undue procrastination is guarded against by the appointment by statute of days for taking proofs, for auditing the assignees' accounts, and for declaring a dividend.

In order to qualify himself for receiving his certificate of conformity, (which is the act of the commissioners, assented to by a certain proportion of the creditors, subject to the confirmation of the Chancellor, and constitutes the bankrupt's release from debts, proved or proveable under the commission), he must, on his final examination, swear to the truth of his accounts, and to the fact of his having made a full disclosure and surrender of all his property and effects.

Any party thinking himself aggrieved in the course of the proceedings, may carry his complaint before the Chancellor in a summary way, by petition, and, if entitled to it, obtain his order for redress, according to the circumstances of the case.

If the bankrupt fail to surrender himself for examination, on or before the forty-second day after notice in the *Gazettes*, or falsify upon his last examination, or conceal or embezzle property to the value of 10*l.*, he is guilty of felony; and liable, on conviction, to be transported for life, or for a less period, or to be imprisoned, at the discretion of the court.

All classes of creditors whose debts are capable of being reduced to a certain certainty, are put upon an equal footing in respect of the proof of the dividend.



code, however, in many particulars, still needs revision and improvement.

One is, that the operation of the bankrupt law is confined within too narrow limits. This was particularly the case before the passing of the present act, in two respects; first, by restricting the liability to bankruptcy to certain descriptions of traders; and next, by the prohibitory rule by which an individual was prevented from being any way actively or voluntarily instrumental in prosecuting his own commission. These restrictions have, in the recent act, been in a great degree abandoned, by making all traders (with a very few exceptions) liable to the bankrupt law; and by the introduction of a clause, the most beneficial and important of the recent improvements, under which any such trader is empowered to file a declaration of insolvency at the bankrupt office; whereupon, after due notice in the Gazette, a commission may be sued out by any creditor, with or without the concurrence of the bankrupt. Thus, a trader who may become unable to fulfil his engagements, may lawfully and without subterfuge or deception, adopt the course which an upright intention towards his creditors, and a prudent regard to his own future interests, alike recommend. There seems, however, to be no reason why the facility thus afforded, might not be extended as far as the relation of debtor and creditor, without reference to trade or calling. For, admitting that persons not in trade may properly be protected from liability to adverse commissions, why should they be prohibited from following the dictates of integrity and discretion, in a way the most conducive to the interests of their creditors, and their own ultimate relief?

Then the limitation, as to time, ought to be withdrawn from the clause by which "conveyances, contracts, and other transactions, by and with any bankrupt, *bonâ fide* made and entered into, and executions and attachments against his lands or goods, *bonâ fide* executed and levied, more than two calendar months before the issuing of the commission, shall be valid, notwithstanding any prior act of bankruptcy, provided the party had no notice of any such prior act."

This clause is founded upon the act of 1826.

mitted and undeniable principle, that the innocent party described, ought not to have his dealings disturbed by a commission resting on an act of bankruptcy, of which he had no knowledge at the time of the dealings; but how is the case affected in point of principle by the period at which the commission issues? The exception as to commissions issued within two months of such an act of bankruptcy, is in direct contradiction with the reason upon which the rule is founded; the rule, therefore, so qualified, is, in principle, inconsistent with itself, as well as with the section immediately succeeding it, whereby payments by and to the bankrupt, *bonâ fide* and without notice, are protected, as they ought to be, unconditionally. It may be alleged in defence of the provision in question, that a party seldom becomes the subject of a commission of bankruptcy, without exhibiting within two months previously, indications of deranged and insolvent circumstances, sufficient to put any prudent man upon his guard: but the fact is frequently otherwise; and at all events, there seems to be no reason why the question of *bonâ fides* and want of notice, should not as well be inquired into, and made the test of validity with regard to transactions which have occurred within the two months, as beyond that period.

The expense of a commission of bankruptcy, as compared with the proposed new law, has already been shewn. It may, however, be admitted, that there are cases in which the necessary expenses are somewhat disproportioned to the amount of property involved, and the time, skill, and labour called for in conducting them. But it is scarcely possible to preserve an exact proportion, in this respect, in each individual case: the calculation of reasonable remuneration must go upon an average of cases in general, in which, the allowed charges are unexceptionable. And the cases in which the expense would be disproportionate, have been considerably diminished in number, by the operation of the acts for the relief of insolvent debtors.

But in considering the general character of the system, it may be useful shortly to trace the usual course of proceedings under a commission. Passing by the formalities attending the



suing it out; suppose it delivered into the hands of the three acting commissioners, of whom one at least, is required to be a barrister: after taking the prescribed oath for the faithful discharge of their duties, and having ascertained by evidence upon oath, that the insolvent comes within the description of persons amenable to the bankrupt laws, that the petitioning creditor is competent in respect of his debt to sue out a commission, and that the party has actually become bankrupt,—they adjudge him so accordingly. From that moment the custody of the law attaches upon the whole of his property, taking effect from the time of his bankruptcy, (except as to effects transferred *bond fide* as above mentioned); and a warrant of seizure is executed by the commissioners, under which all that is tangible and moveable is reduced to actual possession. If the bankrupt thinks fit, he surrenders forthwith, and thus obtains immediate protection from arrest, until his final examination. For the discovery of concealed effects, the elucidation of doubtful claims on the part of the bankrupt, and other purposes auxiliary to the proceedings, the commissioners are invested with full powers to summon—to apprehend (if necessary)—to examine upon oath—and to commit for falsehood or prevarication, or refusal to answer lawful questions, all persons suspected of concealment or fraud, or supposed to be capable of affording material information; subject, however, to a right in the party committed to be called up and re-examined upon his own application, or to appeal against the commitment to the Lord Chancellor, who is authorized to remand or discharge him. The power of the commissioners is thus sufficiently guarded from abuse; and that its abuse is an event of rare occurrence, may be proved from the history and result of the various applications by way of appeal to the Chancellor for many years past; a large proportion of the applicants having been remanded, and most of the others discharged, not upon the merits, but for defect of form in the warrant. On the other hand, this power has been the successful instrument in innumerable cases, of exposing and defeating deep-laid machinations or defrauding credi-

tors, and of preserving and recovering property to large amounts. Every such instance, is a proof that the powers in question are well adapted to the purposes for which they are given,—purposes, which could not be effected by less efficient means, nor by a jurisdiction otherwise constituted in any material respect, than that of commissioners of bankrupt. The assignees, when appointed, are clothed with the legal title to the bankrupt's property, and with all requisite powers for getting in the effects, and conducting the affairs of the bankruptcy, subject to the authority of the commissioners, to whom they must account upon oath. Ample facility, as to time and arrangement, is afforded for the proof of debts; and undue procrastination is guarded against by the appointment by statute of days for taking proofs, for auditing the assignees' accounts, and for declaring a dividend.

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The foregoing outline, although of the most general nature, may, with reference to the acknowledged evils attendant upon commissions of bankrupt, suffice to shew that it is to abuses in the execution of the law that they are almost wholly attributable. This may be proved, not only by a due consideration of the laws themselves, which will demonstrate their excellence; but still more convincingly, by an accurate observation of their effects, when well executed. Where so executed, they answer their intended ends, even in the most complicated and difficult cases, more satisfactorily and completely, than could have been anticipated before actual experiment. Abuse in the administration of bankruptcy business is undeniably an existing evil of magnitude, but it seems also an evil susceptible of diminution to such an extent, as to become insignificant, when compared with the advantages of the system to which it attaches.

The manner of administering the bankrupt law is greatly modified by the mere locality in which a commission is executed.

In London commissions are in some respects worse executed than any where else, and the prevailing abuses, originating in circumstances supposed to be unavoidable, have been allowed to continue until they are considered as component parts of the system; whereas they are mere excrescences, and might be cut off without the slightest prejudice to the system itself. The standing lists of commissioners, in connexion with the rule by which the meeting for the bankrupt's last examination is directed to be held upon the forty-second day from the insertion in the Gazette, of the notice to surrender, and with the circumstance of all London commissions being held at the same place, are undoubtedly the source of much inconvenience and expense.

A practice prevails to a great extent, of unnecessarily appointing meetings, which would not otherwise have elapsed, to be held under many distinct commissions, (sometimes to the incredible number of fourteen, and even more,) by the same list of commissioners, not on the same day merely, but at the same hour. The inevitable effect is, to render it impossible to transact the business otherwise than in a tumultuous, and

inefficient manner, if at all. The abuse has been somewhat checked by a suggestion from the Lord Chancellor to the Commissioners, not to hold more than three meetings at the same hour. But this recommendation is not always attended to. The evil clearly originates in the constitution of lists of commissioners, which is no part of the statutory law, but an invention of a former Chancellor, (we believe Lord Harcourt,) engrafted upon it.

If the permanent lists of commissioners were set aside, the practice originally followed, and which still prevails in country commissions, might be revived; according to which, every person taking out a commission names the commissioners, subject to the approbation of the Lord Chancellor; and bankruptcy business would thus be thrown open to the legal profession at large, subject to the provision by which one, at least, of the acting commissioners, must be a barrister.

The arguments in favor of this change are, that there would always be a full set of commissioners for the administration of each commission, while there would remain no pretence for negligence or irregularity. This of itself would be a great point gained. Another advantage would be, that success in the practice of bankruptcy, as in other branches of the profession, would be the reward of talent, experience, and business-like habits. The most worthy in these respects, subject to the disturbing powers (if the expression may be allowed) of connexion and other incidental circumstances which can never fail to operate, will become the most distinguished and influential. The stimulus thus excited may reasonably be expected to produce a gradual improvement in the bankrupt law; and that diversity and incongruity in practice, which has sprung from the existence of numerous little jurisdictions of equal authority, acting independently of each other, would cease. The rules of practice would be derived from one source, and order and regularity would be the consequence. In many large provincial cities and towns, in which there are resident barristers accustomed to bankruptcy business, commissions are, generally speaking, so conducted as to be exempt from any serious



imputations, and, as far as possible, to effect the beneficial objects of the law. The fact is certain, and is rationally accounted for, by the consideration, that in provincial barristers of any repute, (and it is to such, that commissions, in their respective towns, are directed as quorum commissioners,) responsibility of character is united with competent knowledge; and the motives of ambition and desire of success which seldom fail to produce efficient habits of business, possess their natural influence, free from those obstructions to the due order of proceeding, and temptations to a wrong and negligent course of practice, which operate so unfavourably in London.

In the less frequented parts of the country, commissions are occasionally directed to attornies only, to whom bankruptcy business is not familiar, and who are consequently more liable to error, than the commissioners of whom we have spoken, and at the same time more exempt from that publicity and exposure to enlightened observation, which is a powerful check to professional misconduct. Under such circumstances, irregularities of a serious nature are, no doubt, sometimes committed. These instances, however, are far from numerous, compared with the total number of country commissions, very many of which are, in fact, executed in the nearest large town, by experienced commissioners, who also not unfrequently travel into the adjacent country for the same purpose. Nor would there be much difficulty in confirming and extending this custom, upon the same principle upon which all commissions against persons resident within forty miles of London, are required to be conducted there. Indeed it would generally prove a convenience, because, independently of the reason just assigned, the creditors of country traders consist chiefly of the wholesale dealers in large commercial towns, by whom they are furnished with their wares.

If, upon the whole, we come to the conclusion, that a system of bankrupt law is a desirable institution, and that the English system is in the main well calculated to attain the end proposed, the true line of policy to be adhered to respecting it, by the legislature, is, with a cautious but firm hand, to correct practical abuses, and to endeavour, by

remedying defects from time to time as they appear, ultimately to bring the system up to the highest degree of perfection of which it is susceptible.

### County Courts.

ALTHOUGH little was said during the last session of Parliament on the proposed establishment of County Courts, the subject is of too much importance to be passed over without observation here.

Imperfect as our criminal jurisprudence may be, there exists nevertheless some machinery by which offenders are to a certain extent brought to justice, and offences in some degree repressed: the inconveniencies of the Chancery system, in proportion as they fall upon persons possessed of property comparatively large, must affect a class comparatively small: but the great body of the people, who subsist upon the produce of their labour, or of small retail trades,—whose income, from whatever source, varies only from 25*l.* to perhaps 100*l.* a-year,—are absolutely without any tribunal to which they can resort for the redress of civil injury.

We say, without any tribunal; because, waving the pleasantry, that the courts are open, like the London taverns,—to all who can pay for entering,—it may be affirmed, as a melancholy truth, that it is the same thing to a man unable to pay for admission, whether there be no courts at all, or only courts, the price of entering into which is such as he can never pay.

Considering that the first object of government ought to be the protection of property and the diffusion of good moral habits,—considering the torments which most men experience at being obliged to put up with injustice, and the tendency which the absence of tribunals of justice has to encourage the most baneful and extensive immorality in the disregard and violation of contracts,—considering, too, that nearly seven-tenths of the people are exposed to all this misery, and stand, as it were, in the situation of outlaws, we shall hardly be deemed to exaggerate if we pronounce the reform of our criminal jurisprudence, and even of our Chancery system, as matters of



less importance than the institution of district tribunals which will open the doors of justice to all.

Without attempting, upon the present occasion, to investigate the merit or defects, or to enter into the history, of our common law courts, it will be sufficient to begin by establishing our first position, that their expensiveness renders them inaccessible to the great mass of the people.

It may, however, be worth while, incidentally to observe, that this expensiveness has grown out of a series of accidents, and probably was not in the contemplation of those who set the system on foot.

The first great cause of the expense, is the confinement of the principal tribunals to the metropolis. Consequent upon this is the second cause, the practice of requiring from the parties to a suit a technical written statement of the grounds of complaint and defence,—commonly called the pleadings; and, contributory to the proceeding, is the third cause, the exclusion of evidence, more especially the evidence of the parties.

Originally, to say nothing of the sheriff's tourn or county court, and the hundred court, there was a district jurisdiction in almost every village. The courts baron, holden in every manor once in three weeks, gave every man a cheap and ready access to justice. Unhappily, the judges of these courts, or those who appointed the judges—the lords of manors—being irresponsible and irremovable, and the administration of justice being a source of revenue, it is but too probable that the greatest abuses prevailed. The outcry which this naturally excited induced the sovereigns of those days to give their courts at Westminster a concurrent jurisdiction over matters which before were tried in the courts baron, with a power of removal to either party; and they were the more readily induced to take this step with a view to improve their own revenue, of which the sale of justice constituted a principal source. To have established and paid for district judges in sufficient numbers, would have been incompatible with their slender finances; they, therefore, sent the London judges to travel over the country; at first, (A. D. 1176, 22 Hen. II.) only once in seven years; afterwards, by Magna Charta, once a-year; and, at last, twice in a year, according to the present custom.

It being impossible, however, for so few judges to enter at large into every case that came before them, means were devised to divest each case before hearing of all extrinsic matter, and to present for investigation some single point or points in dispute. This reduction of the case, *ad materiam et ossa*, for the purpose of saving the judge's time, is effected by that series of written technical statements on both sides, called the pleadings, and is clearly rendered necessary by the incapacity of twelve judges to transact the judicial business of the whole kingdom. In the framing and copying these pleadings, very considerable expense is necessarily incurred, and it frequently happens that causes are decided quite independently of, and contrary to, their merits, upon some technical defect in these written statements.

At common law, too, the parties are rigidly excluded from making any oral statement of their case before the judge, and this renders necessary the expense of witnesses in numerous cases, where the defendant, if confronted, would not and could not have denied the plaintiff's claim.

Whatever may be the merits or defects of this system, its results in point of expense, are by no means equivocal.

We present, by way of example, an attorney's bill in two of the simplest cases that can occur,—that of an unwilling debtor, who has no defence, but against whom the creditor is obliged to employ compulsory process, which terminates without appeal;—and that of a disputed demand tried at the assizes\*.

#### Bill in Case on Arrest and Inquiry.

KING'S BENCH. Michaelmas Vacation, 1810.

#### Grubb against Howe.

|                                                      | Agent. |    | Attorney |    |
|------------------------------------------------------|--------|----|----------|----|
|                                                      | £.     | d. | £.       | d. |
| Letter to defendant for payment of debt without suit | 2      | 6  | 5        | 0  |
| Instructions and warrant to sue                      | 8      | 8  | 12       | 0  |
| Affidavit of debt                                    | 6      | 2  | 8        | 8  |
| Bill of Middlesex                                    | 10     | 0  | 14       | 0  |
| Warrant and messenger                                | 2      | 6  | 3        | 6  |
| Attending to instruct officer                        | 1      | 8  | 3        | 4  |
| Porters, &c.                                         | 1      | 6  | 3        | 0  |

\* The repeal of the law, stamp duty, will occasion some small deduction from a few of the items in these bills.



| <i>Hilary Term.</i>                                                                                              |       | Agent. | Attorney. |                                                                                        |  | Agent.   | Attorney. |
|------------------------------------------------------------------------------------------------------------------|-------|--------|-----------|----------------------------------------------------------------------------------------|--|----------|-----------|
|                                                                                                                  |       | s. d.  | s. d.     |                                                                                        |  | s. d.    | s. d.     |
| Several attendances on defendant, upon his offering of compromise - - - - -                                      | 3 4   | 6 8    |           | Copy declaration for the clerk of the papers - - - - -                                 |  | 2 10     | 5 8       |
| Searching at the bill of Middlesex office for affidavit - - -                                                    | 1 8   | 3 4    |           | Paid for paper book - - - - -                                                          |  | 31 4     | 31 4      |
| Paid for office copy, affidavit to ground latitat into London -                                                  | 3 7   | 3 7    |           | Attending to bespeak and examine it - - - - -                                          |  | 3 4      | 6 8       |
| Latitat into London - - - -                                                                                      | 12 11 | 17 0   |           | Copy thereof previous to delivery, folio 28 - - - - -                                  |  | 4 8      | 9 4       |
| Warrant and messenger - - -                                                                                      | 2 6   | 3 6    |           | Term fee, letters, &c. - - -                                                           |  | 6 0      | 12 0      |
| Attending instructing officer -                                                                                  | 1 8   | 3 4    |           | <i>Easter Term, 1811.</i>                                                              |  |          |           |
| Paid for arrest - - - - -                                                                                        | 10 6  | 10 6   |           | The paper book not being returned, drawing interlocutory judgment - - - - -            |  | 1 8      | 3 4       |
| Instructions for declaration -                                                                                   | 3 4   | 6 8    |           | Ingrossing the proceedings on paper, and duty, folio 22 -                              |  | 4 9      | 8 5       |
| Drawing same, folio 17 - - -                                                                                     | 8 6   | 17 0   |           | Entering proceedings on the roll, and paid - - - - -                                   |  | 10 4     | 14 8      |
| Paid special pleader to peruse and settle same - - - - -                                                         | 5 0   | 5 0    |           | Warrants and docket - - - -                                                            |  | 4 0      | 4 0       |
| Attending him with and for same - - - - -                                                                        | 1 8   | 3 4    |           | Attending to sign judgment -                                                           |  | 1 8      | 3 4       |
| Ingrossing bill, parchment, duty, and filing - - - - -                                                           | 3 8   | 7 4    |           | Notice of executing writ of inquiry, copy and service - -                              |  | 1 6      | 3 0       |
| Copy to file de bene esse, duty, &c. - - - - -                                                                   | 3 8   | 6 10   |           | Instructions for writ of inquiry -                                                     |  | 1 8      | 3 4       |
| Rule to plead - - - - -                                                                                          | 3 6   | 4 0    |           | Drawing and ingrossing writ of inquiry, parchment, duty, sealing, and fee - - - - -    |  | 14 0     | 20 0      |
| Notice of declaration, copy, and service - - - - -                                                               | 1 6   | 3 0    |           | Notice of attending with counsel -                                                     |  | 1 6      | 3 0       |
| Searching for special bail - -                                                                                   | 1 8   | 3 4    |           | Instructions for brief - - - -                                                         |  | 6 8      | 13 4      |
| Motion at sidebar for rule to return writ - - - - -                                                              | 1 8   | 3 4    |           | Drawing brief and fair copy, 4 sheets - - - - -                                        |  | 20 0     | 40 0      |
| Paid for the rule, copy and service - - - - -                                                                    | 8 0   | 9 6    |           | Paid fee to Mr. Lawes with brief, and clerk - - - - -                                  |  | 65 6     | 65 6      |
| Searching for return of writ and paid - - - - -                                                                  | 2 2   | 3 10   |           | Attending him - - - - -                                                                |  | 3 4      | 6 8       |
| Motion at sidebar for rule to bring in the body - - - - -                                                        | 1 8   | 3 4    |           | <i>Subpœna</i> - - - - -                                                               |  | 9 9      | 12 0      |
| Paid for the rule, copy, and service - - - - -                                                                   | 8 0   | 9 6    |           | Two copies, and service on two witnesses, one at Ealing, and the other in town - - - - |  | 7 6      | 15 0      |
| Affidavit of service, duty, &c. -                                                                                | 5 6   | 7 6    |           | Conduct money - - - - -                                                                |  | 2 0      | 2 0       |
| Notice having been given of putting in bail, attending to inquire into their character and circumstances - - - - | 3 4   | 6 8    |           | Attending the execution of inquiry - - - - -                                           |  | 6 8      | 13 4      |
| Entering exception, notice, copy and service - - - - -                                                           | 3 2   | 6 4    |           | Paid the sheriff and jury - -                                                          |  | 31 0     | 31 0      |
| Instructions for counsel to oppose bail - - - - -                                                                | 1 3   | 2 6    |           | To Mr. J. Pearce, attorney, a witness - - - - -                                        |  | 21 0     | 21 0      |
| Copy notice of justification to annex - - - - -                                                                  | 0 6   | 1 0    |           | To John Clark, a witness - -                                                           |  | 5 0      | 5 0       |
| Fee to counsel therewith - - -                                                                                   | 10 6  | 10 6   |           | Term fee, letters, &c. - - -                                                           |  | 6 6      | 13 0      |
| Attending him and court, but the bail did not appear - -                                                         | 3 4   | 6 8    |           | <i>Michaelmas Term, 1811.</i>                                                          |  |          |           |
| Notice of other bail having been given, attending to make the necessary inquiries respecting them - - - - -      | 3 4   | 6 8    |           | Attending the sheriff's office for inquiry - - - - -                                   |  | 1 8      | 3 4       |
| Drawing affidavit of Jas. Long, in order to oppose bail, ingrossing, duty, and oath, folio 10 - - - - -          | 7 0   | 10 4   |           | Rule thereon - - - - -                                                                 |  | 3 6      | 4 0       |
| Abbreviating affidavit, and drawing special instructions for counsel to oppose - -                               | 3 4   | 6 8    |           | Paid stamping - - - - -                                                                |  | 10 0     | 10 0      |
| Copies of notice to annex to affidavit, and instructions - -                                                     | 1 0   | 2 0    |           | Attending - - - - -                                                                    |  | 1 8      | 3 4       |
| Fee to counsel - - - - -                                                                                         | 10 6  | 10 6   |           | Bill of costs and copy - - -                                                           |  | 2 0      | 4 0       |
| Attending him and court, when bail were allowed - - - -                                                          | 3 4   | 6 8    |           | Notice of taxing, copy and service -                                                   |  | 1 6      | 3 0       |
| Searching for and demanding plea - - - - -                                                                       | 4 4   | 8 8    |           | Attending taxation - - - -                                                             |  | 1 8      | 3 4       |
| Attending summons for time to plead, and copy order - - -                                                        | 2 2   | 4 4    |           | Paid the Master - - - - -                                                              |  | 2 6      | 2 6       |
| Searching again for plea - - -                                                                                   | 1 8   | 3 4    |           | Drawing and entering final judgment on the roll - - - -                                |  | 2 6      | 5 0       |
| A special plea being filed, drawing replication, folio 2 - - -                                                   | 1 0   | 2 0    |           | Term fee, letters and messengers -                                                     |  | 6 6      | 13 0      |
| Copy on stamp to file, and duty                                                                                  | 0 8   | 1 0    |           | <i>Fieri facias</i> - - - - -                                                          |  | 9 2      | 12 6      |
|                                                                                                                  |       |        |           | Warrant and messenger - - -                                                            |  | 3 0      | 3 6       |
|                                                                                                                  |       |        |           | Attending the officer to instruct him - - - - -                                        |  | 1 8      | 3 4       |
|                                                                                                                  |       |        |           | Attending for return, and paid -                                                       |  | 3 8      | 5 4       |
|                                                                                                                  |       |        |           | Attending to file the same, and paid - - - - -                                         |  | 2 4      | 4 0       |
|                                                                                                                  |       |        |           | Testatum <i>ca. sa.</i> into Surrey -                                                  |  | 10 6     | 14 6      |
|                                                                                                                  |       |        |           | Warrant and messenger - - -                                                            |  | 3 0      | 3 0       |
|                                                                                                                  |       |        |           | Attending the officer - - - -                                                          |  | 1 8      | 3 4       |
|                                                                                                                  |       |        |           | Paid him - - - - -                                                                     |  | 21 0     | 21 0      |
|                                                                                                                  |       |        |           | Attending the sheriff to receive the money, and giving receipt for same - - - - -      |  | 3 4      | 6 8       |
|                                                                                                                  |       |        |           | Term fee, letters, and porters -                                                       |  | 6 6      | 13 0      |
|                                                                                                                  |       |        |           | Total - - - - -                                                                        |  | £25 11 1 |           |

## Bill of Costs on Trial and Verdict for Plaintiff at the Assizes.

King's Bench. Trinity Vacation, 1809.

Dalton against Jacks and another.

|                                                                      | Agent.<br>s. d. | Attorney<br>s. d. |
|----------------------------------------------------------------------|-----------------|-------------------|
| Instruction and warrant to sue                                       | 8 8             | 12 0              |
| Issued into Surry                                                    | 12 8            | 17 0              |
| Two copies to serve                                                  | 1 0             | 2 0               |
| Letter, inclosing same to an Attorney at Croydon                     | 1 8             | 3 4               |
| Paid his charge for service and affidavit                            | 22 7            | 22 7              |
| Letters and porters                                                  | 1 0             | 2 0               |
| <i>Michaelmas Term, 1809.</i>                                        |                 |                   |
| Searching if common bill filed                                       | 1 8             | 3 4               |
| Filing bail, according to the statute                                | 6 2             | 8 6               |
| Instructions for declaration                                         | 3 4             | 6 8               |
| Drawing same, folio 4                                                | 2 0             | 4 0               |
| Ingrossing bill, parchment, duty, &c.                                | 1 4             | 2 0               |
| Copy, declaration to file, duty, and warrant                         | 1 2             | 2 0               |
| Rule to plead                                                        | 3 6             | 4 0               |
| Copy declaration sent to the country                                 | 0 8             | 1 4               |
| Notice of declaration, two copies, and service                       | 1 0             | 5 0               |
| Searching for and demanding plea                                     | 4 4             | 8 8               |
| Attending summons for time to plead, and copy order                  | 2 2             | 4 4               |
| Searching again for plea                                             | 1 8             | 3 4               |
| Term fee, messengers, &c.                                            | 8 0             | 16 0              |
| <i>Hilary Term, 1810.</i>                                            |                 |                   |
| Defendant having pleaded specially, copy plea for the country, fo. 5 | 0 10            | 1 8               |
| Instructions for replication                                         | 3 4             | 6 8               |
| Drawing replication, fo. 3                                           | 1 6             | 3 0               |
| Fee to counsel to peruse and settle same                             | 10 6            | 10 6              |
| Attending him                                                        | 1 8             | 3 4               |
| Ingrossing to file, and duty                                         | 0 10            | 1 4               |
| Copy for the country                                                 | 0 6             | 1 0               |
| Copy declaration for clerk of the paper                              | 0 8             | 1 4               |
| Attending to bespeak and examine paper book                          | 1 8             | 3 4               |
| Paid for paper book                                                  | 16 0            | 16 0              |
| Gloss copy thereof to keep, folio 13                                 | 2 2             | 4 4               |
| Notice of trial, copy, and service                                   | 1 6             | 3 0               |
| Entering issue on the Roll, and paid master                          | 6 8             | 8 8               |
| Warrants and Docket                                                  | 4 0             | 4 0               |
| Drawing placita et jurata                                            | 1 6             | 3 0               |
| Ingrossing record                                                    | 2 8             | 5 4               |
| Parchment and duty                                                   | 11 6            | 11 6              |
| Paid signing                                                         | 1 0             | 1 0               |
| Paid clerk of the Treasury, and assessor                             | 18 0            | 18 0              |
| Fee on passing record                                                | 3 4             | 6 8               |
| Fines                                                                | 8 8             | 11 6              |
| Attending for return                                                 | 1 8             | 3 4               |
| Paid returning                                                       | 2 6             | 2 6               |
| Distraints                                                           | 8 11            | 12 0              |
| Paid returning                                                       | 14 0            | 14 0              |

|                                                                                 | Agent.<br>s. d. | Attorney<br>s. d. |
|---------------------------------------------------------------------------------|-----------------|-------------------|
| Attending for return                                                            | 1 8             | 3 4               |
| Attending to enter record for trial                                             | 0 0             | 3 4               |
| Paid entering it                                                                | 0 0             | 14 8              |
| Attending taking instructions for brief                                         | 0 0             | 13 4              |
| Attending to examine the different witnesses                                    | 0 0             | 6 8               |
| Horse-hire and expenses                                                         | 0 0             | 7 6               |
| Drawing brief, two brief sheets and a half                                      | 0 0             | 16 8              |
| Two fair copies thereof to counsel                                              | 0 0             | 16 8              |
| Fee to Mr. Garrow, with brief, and clerk                                        | 0 0             | 44 6              |
| Attending him                                                                   | 0 0             | 3 4               |
| Fee to Mr. Lawes, with brief, and clerk                                         | 0 0             | 23 6              |
| Attending him                                                                   | 0 0             | 3 4               |
| Two subpoenas                                                                   | 20 0            | 25 0              |
| Seven copies to serve                                                           | 0 0             | 7 0               |
| Service on seven witnesses, at distant places                                   | 0 0             | 35 0              |
| Paid their conduct-money                                                        | 0 0             | 7 0               |
| Horse-hire and expenses for the witnesses                                       | 0 0             | 7 6               |
| Attending the Assizes two days, when cause tried, and verdict for the plaintiff | 0 0             | 22 0              |
| Paid court fees                                                                 | 0 0             | 53 0              |
| Paid six witnesses for their subsistence and journey                            | 0 0             | 120 0             |
| Term fee, letters, &c.                                                          | 8 0             | 16 0              |

*Easter Term.*

|                                                 |      |      |
|-------------------------------------------------|------|------|
| Rule for judgment                               | 3 6  | 4 0  |
| Attending the associate for possession          | 1 8  | 3 4  |
| Paid stamping same                              | 10 0 | 10 0 |
| Attending to get it stamped                     | 1 8  | 3 4  |
| Paid marking                                    | 0 6  | 0 6  |
| Notice of taxing costs                          | 1 6  | 3 0  |
| Affidavit of extra costs, duty, and oath, fo. 8 | 6 4  | 11 8 |
| Attending to swear same                         | 0 0  | 3 4  |
| Copy for defendant's agent                      | 1 4  | 2 8  |
| Bill of costs, and copy                         | 4 0  | 8 0  |
| Attending taxation                              | 3 4  | 6 8  |
| Paid the master                                 | 4 0  | 4 0  |
| Drawing and entering final judgment             | 2 6  | 5 0  |
| Attending at Westminster for that purpose       | 1 8  | 3 4  |
| Term fee, letters, &c.                          | 8 0  | 16 0 |

Total - - £27 13

It must be observed, that the above charges are upon the reduced and expurgated scale, such as the officer of the court allows against the defendant; besides these, however, the plaintiff has to pay his attorney other costs, which the courts do not call on the defendant to reimburse, to the extent of about one-third more.

It must also be observed, that a large proportion of actions commenced do not end so happily as the above; but that, by new trials, writs of error, arguments, and



motions on collateral matters, the expense is often increased tenfold.

Now, admitting that to the rich, who indulge in law as a luxury, the present system may be, as Lord Coke styles it, the perfection of reason,—to the poor, with whom justice is a matter of necessity, it is a strange sacrifice of the end to the means to compel an expenditure of from sixteen to sixty pounds to settle a dispute about six: but when, as in the majority of instances, the sixteen pounds can in no wise be extracted from the pocket of the suitor, to demand the payment of it as a condition precedent to the dispensation of justice, is neither more nor less than a denial of justice.

If perfect justice cannot be achieved at less expense, perhaps imperfect justice may be esteemed a less evil than an entire denial.

It remains, therefore, to be shown that a plan may be devised for distributing justice to every man, who stands in need of it,—justice, at least, of such a kind as shall not be worse than the evils of injustice.

Upon examining the foregoing accounts, it will be seen that one great source of expense is, the necessity under which a party residing in the country is placed, of employing two attornies; one in the country, and another styled the agent of the country attorney, in London. This is the unavoidable result of compelling the countryman to resort to the tribunals of the metropolis. A large proportion of the remaining items are referable to the pleadings, which the paucity of judges renders (amongst other reasons) an essential ingredient in the procedure of our higher tribunals.

There seems to be no way of avoiding these two sources of expense, other than that of distributing judges over the country in sufficient numbers to examine the parties and hear the whole of every contested case. By examining the parties, and allowing a rehearing where either of them is taken by surprise, the necessity of any detailed written technical statement would be in a great degree superseded,—the number of occasions on which it would be necessary to call witnesses would be much diminished,—and the expense of the attendance of witnesses might be reduced to the lowest amount, by limiting each juridical district to an extent in which every suitor might travel from his home to the court and back, on foot, in the course of a day.

Such an establishment might almost without perceptible alteration, be engrafted on our ancient institutions: the number of judges need not be formidable; and the expense would be absolutely insignificant compared with the advantages to be attained.

The plan might be effected with the smallest amount of change, by taking the old county court, or sheriff's tourn, as the basis.

According to the stat. 2 Ed. VI. c. 25, that court ought to be holden every month. Instead of confining it to the county town, why should it not be holden once a quarter in each of the three or four principal towns of the county?—This would, in turn, bring the court, to within ten or twelve miles of the door of every suitor:—The judge should be a barrister of competent knowledge and ability: the suits he should be appointed to adjudicate, might be limited to debts or injuries\*, to the extent of ten or twenty pounds, as might be judged most expedient: and those suits should be irremovable into the metropolitan tribunals. Upon summoning the defendant, he might be served with a printed form, containing a general indication of the nature of the demand against him; as, for money lent, or for goods sold, or for an injury done, about such a time: the trial should commence by examination of the parties, subject to penalties for the statement of falsehood: and the judge be empowered to appoint re-hearings till all the facts of the case were elicited.

The summons might be served, either by the plaintiff himself, or by an officer of the court; if by the latter, at the expense of 1s. or 1s. 6d.: printed forms of the various species of demand, with instructions how to fill up blanks, might be furnished for 6d.; judgment might be entered in a book, and a copy be given for 6d.; and a warrant for execution, with the charge for executing it, might be paid for by 2s. or 2s. 6d. more. The whole expense, which it might be expedient that the parties should incur, would thus be covered by 6 or 7 shillings.

\* In English law, "damages;" but we cautiously abstain from the use of the technical expressions of English law, which, being necessarily interpreted out of the books of the common lawyers, would, if adopted in these courts, unavoidably lead to the introduction of much of the complex and expensive practice of the courts of Westminster.



at the utmost: we say expedient, because the attention of the officer in expediting the suit, is more likely to be ensured by his receiving for his services, something from every suitor, than by a fixed allowance; and the small tax thus levied upon those who stand more immediately in need of the interposition of the court, would probably cover every expense of it, except the salary of the judge and the cost of the building.

With respect to the expense of judges, supposing fifty or sixty to be requisite for the whole of England and Wales, in order to allow one to every district, containing three or four large towns;—supposing these judges to have a salary of eight hundred a-year each,—and it would not be easy to find persons properly qualified at a lower rate of remuneration,—the whole expense might amount to fifty thousand a year. Surely that might be conceded towards distributing justice among a whole nation, which does not exceed the income granted to a single connexion of the royal family,—which does not equal the cost of a single frigate, or the annual expense of a single regiment. And yet, so straitened are we by prodigality on objects of comparatively little importance, that, it is but too probable, the expense of such an undertaking will be a main obstacle to its effective accomplishment. We are so much in the condition of the man who spends more than his income upon race-horses, hounds, and equipages, and then rates his wife for ordering necessary clothes for his children,—that while we pay thirty millions a year for army, navy, civil list, and colonies, we should never forgive the extravagance of a minister, who should propose to diminish the amount of public misery by laying out fifty thousand a year on the administration of public justice.

Be this as it may, it is plain from what has preceded, that nothing short of the appointment of numerous district judges, can effect a cheap administration of justice. To transfer, as was proposed last year, to three of the commissioners of the Insolvent Debtor's Court—already fully employed,—the whole mass of the business of the County Courts, might keep those gentlemen in a state of constant motion, but would load the distribution of justice in the inferior courts with all the impediments which have clung to it in the superior.

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But in the constitution of these courts, some other items are to be considered, which would not be altogether unattended with expense. A jury, if it be resorted to, would at least cost the time of those who composed it. In courts, like those we contemplate, such an appendage may seem unnecessary. As between the crown and subject, juries have sometimes interposed to shield a victim selected for oppression; but they are not always well qualified to draw a conclusion from difficult or conflicting evidence, and a judge has not often any motive for deciding corruptly between subject and subject. The attendance of jurors, now required at assizes and quarter sessions, operates as a considerable tax on the community, and it may be expedient to abstain from adding to its amount, by calling juries together upon every forty-shilling dispute. The most that could be necessary would be to allow either of the parties the privilege of a jury trial, on giving due notice of his intention.

Supposing a code to be substituted for our present oral law,—for greater safety, one stage of appeal might be allowed to a court constituted for the purpose in the metropolis, where of course the highest talent would be obtainable for such an institution, and where there would be the most enlightened public to watch its proceedings. Rehearings might be had to any number in the country upon disputed matters of fact; appeal to the metropolitan court, should, of course, be only permitted where either of the parties are dissatisfied with the decision of the judge below upon matter of law. In such case, all that could be necessary to obtain the decision of the court above, would be a written statement of the facts transmitted by the mail, free of postage, by the judge in the country, together with the reasons for his decision. Such an appeal could add little to the expense.

The chief alteration, which, in conjunction with the multiplication of judges would tend to diminish expense in these new courts, is the examination of the parties to the suit; nor is it easy to see how such a practice should be attended with any ill effects, although so much deprecated in our courts of common law.

It must be admitted, that there are many cases, in which, if the parties be excluded, no evidence whatever can be



afforded, touching the matter in dispute, and injustice must certainly prevail: also,

That there are many more—probably two-thirds of all that end in judgment—which would never proceed beyond a single hearing, were the parties in the first instance to be examined by the judge; there being rarely, in such cases, any material difference about matters of fact. It is obvious, that if such a course could be pursued, all the expense and delay, at present incurred, between the commencement of process and judgment, might be avoided.

The objections of English lawyers to the examination of the parties, seem to be chiefly,

1. A supposed irresistible temptation to perjury:

2. A supposed liability in the court to be deceived by such perjury.

Now, if the greater part of the inhabitants of a country act with an habitual disregard of truth, it will be scarcely possible for the business of life to be carried on. It is obvious, therefore, that the greater number of people do act with a regard to truth; in other words, that they do acquire and maintain a certain reputation for probity. But it is contrary to all probability, that a man who, by a long course of decent conduct, has acquired and maintains a reputation for probity, should, for the sake of enforcing or eluding a single demand, sacrifice, or incur the risk of sacrificing the reputation he has been at such pains to establish, as well as subject himself to the penalties attached to perjury.

Besides, the objection assumes that the desire of gain is the only passion which can impel a man to falsehood: but love, hatred, envy, revenge, and other passions, afford at least as powerful incentives to falsehood as the desire of gain; and if witnesses be excluded where they are obnoxious to this desire, so ought they to be excluded where their testimony is likely to be influenced by any other motive: in other words, upon this theory, *all* testimony ought to be excluded.

The inconsistencies of those who maintain this theory are, at least, as remarkable as the theory itself. The same man, who, on the ground of interest would rigidly exclude a plaintiff or defendant from giving their testimony in a civil court, does not object to the conviction, and perhaps the hanging of

a prisoner, on the testimony of the prosecutor, who frequently, as the result of his testimony, obtains a restitution of goods, which he alleges to have been taken from him:

The very man who would exclude the testimony of plaintiff or defendant, subject to the safeguard of cross-examination, in the Court of King's Bench, will acquiesce in the propriety of admitting the evidence of the same parties privately and by affidavit in the Court of Chancery, where the safeguard of cross-examination does not exist.

The truth is, that in proportion as a witness is under the influence of motives arising from any of the stronger passions, in that proportion is his testimony likely to be biassed or coloured, even without consciousness on his part; but it is not likely, generally speaking, that a man of average integrity will risk the penalty of perjury for the sake of a single advantage.

Is it then probable that a judge or jury will be imposed on by testimony so biassed, or even by perjury in an interested witness?

They who are conversant with the proceedings of English courts of justice must admit, that nothing is so speedily detected, and so fully commented upon, as any sinister interest likely to operate on the mind of a witness. Is he of kin to either of the parties—liable to the same charges—an inhabitant of the same district—has he had any misunderstanding with either of them?—All this the mode of examination fully discloses—all this is the subject of repeated animadversion.

When the bias to which a witness is exposed has been pointed out and observed on, it is not easy to conceive how a hearer, of whatever capacity, should fail to make the requisite allowance for such bias.

In point of fact, much more than the due allowance is commonly made; and testimony is often received with distrust when the character and demeanour of a witness ought to exempt him from all suspicion of yielding to interested motives.

It is scarcely necessary to pursue this branch of the subject further. Without referring to the practice in *foro domestico*, where, if a master of a family wished to settle a dispute between his servants or children, he would deem it an absurdity



to exclude from a hearing the parties involved in the dispute;—without referring to the affidavit evidence of the Court of Chancery, or the admission of the testimony of the prosecutor in a criminal court;—we may conclude that the foregoing observations rest upon no untried theory, since the courts of common law themselves, in referring complicated cases to an arbitrator, under an order of *nisi prius*, uniformly empower the arbitrator to examine the parties on oath. But we have dwelt somewhat at length on this branch of the proposed institution, from the persuasion that no effective advance can be made towards cheap and expeditious procedure, without the public examination of the parties in the presence of the judge.

The measure has been delayed for a season, with a view to a return which has been called for by Mr. Peel, of the number, nature, and extent of various local jurisdictions already in existence. These are of two kinds; inferior courts which, excluding the parties, proceed according to the rules of the common law, and in which actions may be commenced to any amount, subject to removal by either of the parties into the Courts at Westminster,—and Courts of Conscience, in which the parties are examined, and the causes are irremovable.

There are few of our great towns and ancient cities without a court of both kinds; and some apprehension has been entertained as to the difficulties which may be occasioned by the conflicting interests of those who are connected with such tribunals.

The difficulty, however, is not of a very formidable nature. As to the courts of conscience, very little alteration is requisite to place them on the same useful footing as the proposed county courts. At present they are conducted by unsalaried and irresponsible commissioners, generally tradesmen in the neighbourhood, and not always the most competent to form a judgment on disputed questions of fact or law. Many of them sit with closed doors; and few have jurisdiction beyond 40s.

The only alteration requisite, is to substitute a salaried and responsible judge, of adequate legal attainments, for irresponsible commissioners.—to extend the jurisdiction to 10l. or 20l.—and to insist on uniform publicity.

With respect to the inferior common law courts, such as the Lord Mayor's court in London, the Palace court, the Tolsey court at Bristol, the courts at Exeter, Norwich, and many other places, they should likewise (if not at present) be furnished with adequate judges; parties resident within the jurisdiction should be compelled to resort to such courts for all claims under 10l. or 20l.; such causes should be irremovable to the courts at Westminster; and above all, in causes to such amount at least, the parties should be admitted to make their own statement, and common law pleadings be abolished.

There are parts of the procedure of some of those courts which might, with advantage, be introduced into all the local jurisdictions which it is now proposed to establish. For instance, the practice of *foreign attachment*, as it is called, by which a creditor is enabled to obtain toward the satisfaction of his demand, a debt due to his debtor.

If the establishment of the proposed new courts is likely materially to affect the interests of officers in the courts at Westminster, especially of officers who, under existing laws or existing usages have paid for their places, it seems but just that they should receive compensation to the extent of injury established. With regard to the altered prospects of young attornies, we can hardly feel as a veteran of that class, who some years since printed a very insolent letter on this subject to Lord Redesdale, in which he seemed to think mankind as much the natural prey of attornies, as sheep of mankind, and asked his lordship, with the utmost *naïveté*, whether he had calculated to what extent the number of writs would be lessened by the county courts bill, and how young attornies were to live if the measure passed; considering the well-being of three or four thousand attornies as a matter of infinitely more importance than the distribution of justice to sixteen millions of people. If the alteration cannot be effected without lessening the incomes of the young attornies, that, as well as every other infliction of pain, must be a matter of regret to every man of reflection; but it is impossible for any one who has cast his views beyond his own narrow circle, to consider the afflictions of three or four thousand as a counterpoise to the



afflictions of four times as many millions.

We trust that no such feeling will prevent Mr. Peel from persevering in an undertaking which will establish his claim to the gratitude of his country to a greater extent than any other measure he has ever taken in hand.

With respect to Lord Althorp, the original proposer of the plan, it is only justice to repeat, in the words we used last year\*, that "with the most praiseworthy industry and benevolence, he has for many years been labouring to establish for the people at large, courts, which should combine all the advantages of courts of conscience without their defects; which should proceed in the same natural and summary way, but be presided over by judges competent to the discharge of their duties." Bating his proposal to place the appointment of the judges in the hands of the Lord Lieutenants—a patronage which seemed open to the worst abuse—the whole of his plan appeared deserving of high commendation, and the public will have cause to rejoice if any thing like it be now carried into effect.

#### *Addressing of Juries by Felons' Counsel.*

ACCORDING to the present practice in our courts of justice, parties in *civil causes* are allowed to employ counsel to address the jury for them, as well as to conduct every other branch of the cause;—so are parties in a prosecution for *treason*—the highest, and in *misdemeanors*, the lowest class of offences cognizable by our criminal procedure. But in prosecutions for ordinary *felonies*, which constitute a large majority of the offences tried, the prisoner, although allowed to employ counsel for the purpose of examining and cross-examining witnesses, and for the purpose of suggesting and arguing points of law relevant to the defence, is not allowed to address the jury by counsel, but must, if he has any observation or statement to make, make it himself.

Many persons have been struck with this anomaly in our criminal procedure; and some esteeming it a hardship on the prisoner charged with a felony, it has

twice been proposed in Parliament to allow him, as well as other parties, to address the jury by counsel.

In order to ascertain whether such a proposal ought to be carried into effect, the first thing to be determined is—What is the best mode of procedure in courts of justice, for attaining the discovery of truth?—and then, Is the procedure in cases of felony, conformable to such mode; or does it vary therefrom in any and what respect?

The basis of all good procedure—that is, of procedure by which it is proposed to ascertain the truth in judicial inquiries with the least amount of delay and expense—is the public examination and cross-examination of the parties and witnesses.

The importance of publicity, as a sanction for truth in the case of every witness, whether a party to the cause or not, will scarcely be denied. A witness who might not hesitate to risk a lie in private, or on affidavit, will rarely venture to submit himself to the contempt of a crowded court by a mis-statement, which it is always highly probable that the cross-examination will immediately expose. Besides which, the suddenness of the question, and the distraction occasioned by the crowd and the whole apparatus of the court, leave him little time for deliberation, and seldom fail to elicit an answer according to fact.

The examination of the parties, though practised by the Court of Chancery—though the only mode, in many instances, of obtaining any evidence at all on the point in dispute,—and though it would probably, at the first interview, terminate seven causes out of ten—is altogether rejected in our courts of common law.

The expediency of such an examination having been entered into at large in the preceding essay, we proceed at once,—keeping in view the state of existing institutions,—to the inquiry how far the employment of advocates is likely to contribute to arriving at a correct judgment, either in matters of fact or matters of law.

The advantages of advocacy in this respect, seem to be,

1. The examination of witnesses is facts which want of the requisite instruction, or indolence, might prevent the judge from ascertaining; and which examination the party to the cause, from want of practice in judicial matters, may

\* *Parl. Review*, Sess. 1826, p. 750.



be unable to conduct effectually: also, the presentation of those facts to the mind of the judge in their most effective light:

2. The suggestion of points of law which, but for the advocate's exertions, might escape the notice of the court.

The disadvantage of advocacy, with a view to the above end, seems to be,

The dexterity with which the practised advocate frames a partial or false statement of his client's case, and the possibility of his imposing on the court thereby. A party possessed of ordinary integrity, may be anxious to state the truth, and the whole truth; a party of less than ordinary integrity may be unable to sustain throughout a false statement; but the advocate can rarely have the desire to state the whole truth, and always has the greatest ability to disguise falsehood. His object must always be to gain his cause; with this view, the *truth* must generally be with him a matter of indifference, and whenever adverse to his end, a matter to be repressed.

The disadvantage here pointed out, seems, in the present organization of our tribunals, to exist more especially in speeches made by the advocate on matters of fact, as will appear from the following reasons.

When the points of law have been suggested and argued; when all the relevant matters of fact have been indicated or extracted, by skilful examination of the witnesses; when the parties themselves have made their respective statements; all that is requisite for arriving at a correct judgment has in general been done. Harangues upon matters of fact, except in a small number of very complicated cases, can seldom consist, and seldom do consist, of any thing other than appeals to the passions, encumbered and lengthened by references to circumstances unconnected with the point for decision, and introduced for the express purpose of distracting the attention and prejudicing the judgment.

That this is not an unfair representation of the object and effect of an advocate's address to the jury, in a very large proportion (in forty-nine out of fifty) of all causes tried, let those who have been in the habits of frequenting courts of justice determine.

On the other hand, it must also be admitted that a cause occasionally occurs, so complicated or unusual in its circum-

stances, as to require all the skill of a practised advocate to place them in their true light either with a judge or jury. But even here, the opposing advocate has all the advantage arising from complication and difficulty, for placing the same circumstances in a false point of view.

If this be a correct statement, the question seems reduced to this—whether, for the purpose of diminishing the chances of misdecision in a very small proportion of all the causes tried (supposing that purpose can be attained by the employment of advocates), it is expedient that the public should incur, in by far the larger proportion of causes, the expense and delay, and perhaps some additional chances of perplexity and misdecision, occasioned by the employment of advocates.

If, under the sanction of complete publicity, and with a well-organized judicial establishment, the people could be secured against ignorance or indolence in judges; if the parties in such case were always confronted, and compelled to make their own statement, it may seem questionable whether advocates might not, with advantage, be dispensed with.

Unhappily, the requisite degree of publicity, for securing due exertion on the part of the judge, unassisted by advocates, is scarcely ever attainable.

With the best and most intelligible code that could be devised, it is but too probable that the people at large would not feel a sufficient interest in the proceedings of civil courts of justice to attend them frequently; though such proceedings, considering their number and extent, and the manner in which they are mixed up with the whole business of life, are of infinitely greater importance than any other judicial investigations. But in the present state of our jurisprudence, the civil courts, though in some degree actually open, are virtually closed to the public; for it is much the same thing whether a man be excluded from seeing and hearing what goes on, or whether he sees and hears, but is utterly unable to comprehend;—and it will scarcely be denied that the language and forms of our civil procedure are as unintelligible as a foreign language, to all but those who have made them their peculiar study.

Besides this, the judges are so few, the causes to be tried so numerous, and our jurisprudence so complicated, that, without the aid of an advocate, it is possible



the judge might not have time to hunt out the law in every civil case that comes before him. Advocates, therefore, must continue a necessary appendage, at least to our civil courts.

Having thus far inquired to what extent the employment of advocates is likely to be auxiliary to the discovery of truth, and the arriving at right decisions; and having intimated the mode of procedure in other respects most conducive to such objects; it remains to examine the objections against the practice at present pursued in the trial of cases of felony.

And what is that practice? In the first place, we have, in such cases, that main element of good procedure in which our civil tribunals are so signally defective—the appearance of the parties before the judge. The prosecutor makes his own statement (sometimes preceded, sometimes not, by the statement of an advocate), subject to the most effectual cross-examination; and, although the prisoner is not interrogated on the subject of the charge, he is enabled to make any statement, or put any question, with a view to his defence.

In order to the discovery of truth, it would undoubtedly be desirable that the prisoner should be calmly interrogated on the subject of the charge, as well as the prosecutor. But the state of our penal enactments has the effect of enlisting the sympathies of all present in favour of the guilty; and the great object of a trial seems to be, not so much the discovery of truth, and the conviction of an offender, as that a kind of a race should be run between the prosecutor on the one hand, and the accused, aided by all the subtleties of law, and the defects of procedure, on the other: the chief anxiety on the part of the spectator is, that the accused should not lose any one of the advantages thus afforded: they give him a fair start on the 'vantage ground of chicane; just as sportsmen, to add greater zest to the pursuit, allow the hare a certain distance before they let slip the greyhound.

Upon no other ground is it possible to account for the almost universal and rooted prejudice in favour of the established rule, which prohibits the examination of the prisoner.

That the rule is of no advantage to the innocent, is most manifest. For *his* sake it could never have been established. It is the interest as well as the desire of

every honest man who lies under suspicion, to dispel the cloud which hangs over his motives and his conduct; to afford every explanation which may tend to place them in their true light; and to provoke questions for the sake of affording answers, every one of which may form a new link in the chain of evidence which is to establish his innocence.

On the other hand, if all the criminals in the world had conspired together to frame a system of procedure, the best adapted to cover their misdeeds, could they have devised a rule more effectual for their purpose than the rule in question? Innocence insists on being heard: guilt alone claims the privilege of silence.

If it be said that interrogation would be vexatious to the prisoner, so also is any species of trial, and still more any species of punishment. Whatever weight this objection may have, it is equally an argument against all penal infliction, against all judicial investigation.

But the prisoner's answers, it may be alleged, to questions directly addressed to him, may lead to his conviction. If this be a reason for abstaining from them, it would be equally a reason for excluding every kind of testimony; the only object of that testimony, on the part of the prosecution, being, to lead to conviction.

The case, indeed, might be different, if any thing like a tendency to self-inculpation had ever been observed on the part of the innocent; but as no trace of such disposition exists, it is idle to take precautions against it.

Again, if the rule be established, with a view to spare the prisoner the chagrin of conducing to his own conviction, the object is not consistently pursued; for letters written by him, as well as expressions dropped in conversation, are freely received in evidence. So that the court often proceeds on hearsay,—on the slippery recollection of uncertain expressions,—when direct testimony might be obtained from the party who is alleged to have used them.

The rule too is in opposition with the statute law, (2 and 3 Phil. and Mar. c. x.) which enjoins justices of peace to take the examination of persons suspected of felony, and put the same into writing: this examination so taken is constantly received in evidence upon the subsequent trial. But with the common law rule on



one hand, and the statute on the other, a magistrate can favour or press a prisoner, as may best suit his inclination.

In domestic life, no man would hesitate to examine his servant or child, touching any suspicion he entertained against them; he would esteem the prohibition of such an examination as no small impediment in the way of truth. Why should a different course be pursued in public?

That the power of interrogation might be occasionally subject to abuse, and conducted with unjustifiable harshness, is a reason for providing safeguards against the abuse; but not for rejecting interrogation. If possibility of abuse were a reason for rejection, no institution could ever be established; for there is none which may not be exposed to this possibility. Under sufferance of feeble judges, advocates often abuse the faculty of cross-examination, by browbeating and perplexing an honest witness; but no one would contend that the practice of cross-examination ought therefore to be relinquished.

However, a practice of interrogating the prisoner could be open to little abuse: in the first place, it would only be necessary to interrogate him where the chain of evidence was defective; and in the next, the extreme publicity of the proceedings, and the sympathy in favour of criminals, would preclude the probability of any improper harshness.

This publicity, which we have shown to be one of the essential ingredients of good procedure, is more fully obtained in our criminal courts than in any other. The attendance is always numerous, the interest taken in the proceedings intense, and the proceedings are, in substance at least, intelligible to the meanest capacity. The infliction of pain, in the shape of punishment, being the general result of them, they are entered on and pursued with a degree of solemnity bordering on awe; the judge appearing to partake of the general impression, proceeds with more than usual caution; makes himself fully master of the case before him; and, if it be attended with any difficulty, sums up minutely to the jury. All eyes fixed on him, it is scarcely possible that indolence should gain the ascendancy over his sense of duty, and lead him to omit any point material to the prisoner's defence.

The possibility of this is, however, precluded by the prisoner's being allowed to employ counsel for the examination of witnesses; and the same privilege with respect to the suggestion of points of law, affords an equal safeguard against the effects of possible ignorance on the part of the judge.

The means resorted to for attaining truth and right decision, in cases of felony, being thus far so much superior to those which obtain in civil causes, what have been the arguments adduced in favour of allowing the prisoner's counsel, in addition to all this, to make an address to the jury?

If the main object of procedure in courts of justice be the discovery of truth, in order to secure the conviction of the guilty and the acquittal of the innocent, it is incumbent on those who support the affirmative of this question, to shew that a speech by the prisoner's counsel to the jury, in addition to the course already pursued in cases of felony, would materially contribute to this end; or, what is the same thing, that, without such a speech, it is probable the end will not be fully attained.

The arguments, however, employed by Mr. George Lamb, the mover\*, are, 1st. The inconsistency of allowing counsel to address the jury on the part of the prisoner in cases of treason and misdemeanor, and refusing the same privilege in cases of felony. 2nd. The authority of certain learned persons who, in former times, have asserted that prisoners have a right to benefit of counsel. 3rd. An exposure of the vulgar fallacy that the judge is counsel for the prisoner. 4th. An allegation that in some instances innocent persons have been convicted.

Now, with regard to the alleged inconsistency, although uniformity is sometimes agreeable in a building, and always convenient in a system, it does not constitute a principle upon which any grave legislator could act, to the exclusion of the manifest dictates of utility. It is only by their conformity with or departure from utility, that the merits of

\* *Ante*, p. 539. We regret to state here, that this is one of the few speeches of this session which bears internal marks of having been exceedingly ill reported. We have collated all the principal reports, but have not been able to succeed in giving a satisfactory version of it.



defects of institutions can be estimated; and uniformity is a mere accident, for which no reflecting person would sacrifice a greater advantage.

The laws of Draco were patterns of uniformity: but the clumsy and inefficacious contrivance of visiting uniformly all offences with death, may be deemed too expensive a price for the virtue of uniformity.

However, the inconsistency complained of is by no means so marked as is commonly represented. In the civil courts, parties appear by attorney, and are rigidly precluded from making any statement in their own cause. Unless, therefore, counsel were permitted to speak, no statement of the case could be made. But the practice upon such occasions ought to furnish no rule for causes altogether differently circumstanced,—causes in which both parties appear before the judge, and make their own statement.

The law and practice with respect to treason stands on a footing peculiar to itself. If governments were what they ought to be, either no such laws would be necessary, or, at all events, the punishments under them might be exceedingly light. Where governments consult the interests of the people less than they ought to do, such laws must necessarily be severe, in order to insure acquiescence in abuses. But the result of this state of things is, that the sympathies of a large portion,—often of a majority of the people,—are enlisted on the side of parties tried for treason: they are seldom viewed with any moral dislike; and, with the exception of the rulers, even the party who disapprove of the proceedings would be glad to dismiss them with a punishment lighter than death.

The universal voice of the people, therefore, has required that every facility should be afforded for defeating the operation of those laws; and counsel have been called for to address the jury on the part of the prisoner; rather with the design of enlisting their passions in his favour, and of multiplying the chances of escape, than with any intention to promote the discovery of truth.

With respect to misdemeanors, there certainly is no reason why they should not stand on the same footing as felonies; but with a view to mere uniformity, there is at least as much ground for asserting that

the practice in trials for misdemeanor ought to be assimilated to that in trials for felony as for asserting the converse of the proposition. When it has been shewn which of the two practices is the more conducive to the discovery of truth, it will be easy to say which ought to conform to the other.

The argument of authority, especially in the shape of *the wisdom of our ancestors*, can scarcely have much weight except with those who are incompetent to form any judgment on the subject in debate, or who surrender the use of their own understandings. Indeed, Mr. Lamb himself, in one part of his speech, treated the argument somewhat lightly. "The time," he said, "was gone by when they were in the habit of looking upon the wisdom of their ancestors as something infallible; he thought, as the great Lord Bacon once said, in his advice to a young judge, that they should use the wisdom of other times as a light to open their eyes, but not as a guide to lead them by the nose."

But authority, in order to have the slightest weight, ought at least to be authority to the point. Now, the authorities adduced only go to shew that prisoners ought to have counsel, not that such counsel ought to be allowed to address the jury. Whether the interests of justice would be best attained by confining the counsel to the examination of witnesses, and to addressing the judge, seems never to have occurred to the illustrious persons referred to, or to the hon. gent. himself.

For those purposes, prisoners have long been allowed to employ counsel; and there is therefore an obvious fallacy or mis-statement in the very terms of Mr. Lamb's motion ("for leave to bring in a bill to allow persons prosecuted for felony to *make their defence by counsel*"), from which the ignorant are led to infer that such persons are now precluded from all assistance of the kind.

Undoubtedly the judge is not, as he is sometimes said to be, counsel for the prisoner: he cannot suggest topics of defence; he cannot be instructed on the points as to which it may be most expedient, on the part of the prisoner, to examine the prosecutor's witnesses: but this vulgar error has ceased to obtain credit, and was not advanced by any one of those who opposed the motion.

The allegation, that some innocent persons have been convicted under the present mode of procedure, does not advance the argument, unless it be shewn that these convictions were occasioned by the want of a speech to the jury: but that such speeches are no guarantee against erroneous verdicts, is proved by the experience of our civil courts, and the numerous instances in which new trials are applied for and obtained.

Verdicts of this nature, (to a certain degree the unavoidable result of human fallibility,) have occurred at least as frequently in cases of misdemeanor in which speeches are allowed, as in cases of felony, in which they are not. At this moment there is, before the Secretary of State, a case of supposed erroneous verdict in misdemeanor: that of *Tuft*, who, at the Middlesex Michaelmas Sessions, 1826, was, notwithstanding a powerful address by counsel, convicted on testimony alleged to be perjurious, of having thrown a female into the water at Cowley Bridge.

Mr. Horace Twiss, in a speech replete with eloquence\*, which (according to the report in the *Morning Chronicle*) was much cheered, combated at considerable length the phantom of the judge's being counsel for the prisoner;—(phantom we call it, because, as we have stated, the argument was not urged by those who took the opposite side in debate, nor have we ever heard it advanced by any person capable of reasoning;)—and animadverted severely on the inconsistency of allowing a speech for the prisoner in cases of treason and misdemeanor, and refusing it in felony. Upon this we have observed sufficiently in the preceding pages; his main argument, however, stripping it of the accumulated rhetoric, was as follows:—

‘Any statement on the merits must be made by the prisoner; but the prisoner might be disabled by illness, blindness, deafness, or some other visitation. If there were such a disability in a majority of cases, the legislature would, no doubt, relax the law; but, in the majority of cases, this ground for relaxation did already exist; for the prisoner was placed in a situation, the terrors whereof were such as would take away from any average man the common resources of the human mind.’

\* *Ibid*, p. 544.

Now, our only objection to this is, denial of the premiss. We deny that average men, or that men with less than the average amount of intellect, are thus deprived of their resources—or, to use a homely expression, *dumbfounded*—on being arraigned in a court of justice; the instances are indeed rare in which a prisoner, who has any thing to say for himself, is prevented from speaking by alarm or confusion; while the consciousness of innocence not unfrequently produces an unexpected degree of eloquence. Where the vanity of a man is concerned,—where he wishes to make a display, and dreads the fastidiousness of his audience,—the sight of a numerous assembly will, (and that, too, in proportion to his merit,) often affect his powers of utterance; but where all that is required is a plain statement, and the party has no solicitude about the manner of making it, words are rarely wanting: in general, the less educated feel the least difficulty in making such a statement, because the manner in which it shall be made never occurs to them as a matter of solicitude. Women and children are, for the most part, the best witnesses, and undergo cross-examination with less embarrassment than any others.

Mr. Denman, however, states, that upon one occasion he actually tried two deaf and dumb persons; and thence argues the necessity of allowing a speech to be made for all prisoners\*.

Without adverting to the circumstance that the trial of a deaf and dumb person can hardly be expected to take place once in a century, and that it would be somewhat singular to form a general legislative rule on so rare an exception, we cannot avoid remarking that these deaf and dumb persons had probably full means of making themselves understood; if they were capable of conversing by signs, as most deaf and dumb persons are, a sworn interpreter, whose services they would be entitled to command, might communicate a statement of facts as easily, and more credibly, than an advocate.

Mr. Scarlett, who spoke more to the point than any other person, agreed†, that if addresses to the jury by counsel on both sides were found to be the best mode of attaining truth in civil causes, no reason could be assigned why a different

\* *Ibid*, p. 548. † *Ibid*, p. 546.



course should be adopted towards criminals.

He objected, as did Mr. Twiss, to the manifest partiality of allowing counsel to speak for the prosecution, and not for the defence; but he further assigned, as a reason for such objection,—and the observation evinces much knowledge of human nature, and is entitled to much weight,—that “it was a natural disposition of the mind, that it should receive “with a readiness to believe, the well-“connected chain of facts so brought “before it, and afterwards feel a disposition “to explain the facts offered in defence, “so as to show the consistency of the “first statement,”—though upon the whole, Mr. Scarlett thought the present practice far from operating as a hardship upon the prisoner: and that, on the contrary, the allowing him to address the jury by counsel would more frequently lead to conviction, as the consequence of the prosecutor's or judge's reply.

If it be true that addresses to the jury by counsel on both sides are found to be the best mode of attaining truth in civil courts, it seems to follow, irresistibly, that the same mode would be the best in criminal courts. But there are many who doubt the premises.

In the present state of our judicial institutions, the expediency of employing advocates to examine witnesses, and to address the judge on points of law, has been admitted in the outset of these observations; but it has also been suggested, that addresses to the jury seldom consist of any thing other than a mischievous appeal to the passions, or attempts to perplex—consuming time to no good purpose, and generally tending to divert attention from the real point for decision.

In the objection, however, to a speech on one side only, we entirely coincide.

It is true, the general usage of the profession requires that the speech of the prosecutor's counsel should be confined to a bare statement of facts. Independently, however, of “the natural disposition of the mind to receive with a “readiness to believe, the well-connected “chain of facts so brought before it, and “afterwards to feel a disposition to “explain the facts offered in defence, so “as to show the consistency of the first “statement;” it must be admitted, that in the class of advocates, as in almost

every other class, there are persons destitute of principle and character, who will descend to any baseness to gratify the passions of a client, and to obtain the support of the lower class of attorneys. Such persons do *not* confine themselves to a bare statement of facts, but employ every artifice to give the prisoner's case the worst possible complexion. There is, therefore, always an apparent, and sometimes a real disparity in allowing a speech on one side only.

As the result of the foregoing investigation, it appears that one mode of obviating this disparity, and of removing much ground for complaint, might be to suppress addresses to the jury by counsel for the prosecution in cases of felony and misdemeanor. In ninety-nine cases out of a hundred, such addresses are useless;—the indictment which is read to the jury informs them, that on such a day the prisoner stole such and such goods at such a place, the property of such a person; and this is all the preliminary statement, if any, necessary to enable them to understand the testimony as it proceeds.

That such speeches may be dispensed with is no theoretical dream. It has always been the custom to suppress them in cases of felony, when there has been a pressure of business; and upon a recent circuit, Mr. Justice Littleton suppressed them in such cases altogether. We never heard of any complaint, or of any suspicion that the administration of justice had suffered in consequence.

Undoubtedly there are sometimes, though rarely, cases of involved or circumstantial evidence, in which a preliminary statement may conduce to the understanding of the testimony. If, in such cases, speeches are allowed on the part of the prosecution, they ought also to be allowed on the part of the defence. But before any such alteration be made in the practice, it ought to be maturely considered whether the advantage of obtaining a preliminary statement for cases so few in number, will not be outweighed by the perplexity, delay, and expense, which will be occasioned, as it may be apprehended, by allowing three speeches to the jury in the greater proportion of all cases tried; and whether it would not be preferable to prohibit speeches to the jury on either side.

That the great body of prisoners would

in reality gain nothing by allowing a speech to their counsel, will be conceded at once by all who are conversant with the proceedings of our courts of justice. The changing the address of the prosecutor's counsel from a bare statement to an artful comment on the facts, which change must ensue almost unavoidably upon permitting the prisoner's counsel to address the jury; the power of reply which must also ensue, and the necessity imposed on the judge, of exposing the fallacies which, in the greater number of instances, would form the only materials of a speech for the prisoner, must deprive him of many of the chances of escape which he now enjoys, and would infallibly diminish the number of improper acquittals. This undoubtedly would be among the beneficial effects of such a measure, and ought to be weighed in the balance against any apprehended ill effects;—but with the exception of Mr. Scarlett, this is the very reverse of what was expected or designed by those who supported the measure; the grievance complained of, and the grievance proposed to be remedied, being the alleged hardship of refusing to the prisoner the advantage of a speech by his counsel.

Indeed, the matter under consideration, is of greater difficulty than seems to be apprehended by those who take exceptions to the present rule of practice, involving ultimately, a question of no less extent than the expediency or inexpediency of hearing advocates at all, or at any rate, upon matters of fact: but the following recapitulation of the preceding observations may perhaps assist the reader in coming to a right conclusion on the matter in debate.

1st, The question for consideration ought to be, what are the best means for discovering truth in a judicial inquiry,—and not, what is a hardship or otherwise on the prisoner? for if we are to consider the hardship on him, rather than the hardship on society, we shall abstain from trying, and still more from hanging him; both of which proceedings he will undoubtedly esteem a hardship\*.

\* Were we to digress into so irrelevant a topic, it might further be contended, that in the present state of things the present practice does not operate as a hardship on the prisoner, the forbearance of judge, jury, and prosecutor, occasioned by the silence as to matters of fact imposed on the prisoner's counsel, being, upon

2d, An indispensable element in the means best adapted for discovering truth in a judicial inquiry, is the appearance and examination of the parties before the judge in public, and the statement of his own case, by each of them.

3d, Whether, in addition to this, and to the hearing of the evidence on both sides, a statement of the case and comments upon it by advocates, will facilitate, impede, or in nowise affect the discovery of truth, is a question which seems at present involved in doubt. Supposing, as according to the present practice, the examination of witnesses, and the arguing of points of law to have been conducted by advocates,—

Among the reasons *in favour of* such a statement and comment seem to be,

That great as may be the disparity between advocates, the disparity between parties is still greater:

That by the contentious investigation of opposite advocates, facts may be placed in a light in which they would not otherwise have been viewed by judge or jury:

That attention may be drawn to minute, but important links in a chain of evidence, which might otherwise have escaped notice; and that inferences may be deduced from the whole by argument, which, unassisted by such argument, the court would never have drawn.

Among the reasons *against* such a statement and comment seem to be,

That truth is never the object of the advocate, but the success of his client, whether right or wrong:

That in his *professional* morality, he is thoroughly indifferent to truth:

That it is generally his business, and his interest, to resort more or less to falsehood or misrepresentation for the purposes of his client:

That from practice he is enabled to resort to sophistry and misrepresentation with a much greater chance of success than other men:

That, admitting the opposite advocates to be able reciprocally each to expose the sophistry and misrepresentation of the

the whole, productive of more acquittals than ever could be obtained by the united powers of eloquence and logic, supposing them to be possessed by the class of junior counsel, to whom alone it can be worth while to practise in the criminal courts.



other, it may still happen to the tribunals, as at present constituted, to be left in a state of entire perplexity and confusion :

That, if attention be sometimes awakened by advocates to some points which might otherwise have escaped it, inattention and forgetfulness are more frequently produced by their prolixity, impertinence, and personal altercations, by which also much time is unnecessarily consumed.

4th. The course of practice in civil courts affords no analogy or assistance towards solving the present question ; those courts being deprived of that primary element in the means of discovering truth, which prevails to a certain extent in the criminal courts,—the appearance of the parties to make their own statement, and be publicly examined in the presence of the judge. In the civil courts no statement could be made at all ; and the declaration being a tissue of fictions, no information could be conveyed to the jury, unless counsel were allowed to address them. Counsel speak in those courts, therefore, from the necessity occasioned by the rule which excludes the parties, and not because their speeches afford the best means of discovering truth.

So in treason, the unanimous clamour of the people has obtained counsel for traitors,—not with a view to the discovery of truth, but to the escape of the traitor from a law which every body but those interested in misgovernment believes to be disproportionately severe. If the government be bad, the great body of the people must sympathize with the traitors who rise against it ; if it be good, the great body of the people will side with the government, and a very slight punishment will be sufficient for any attempt to disturb the public order.

With regard to misdemeanor, the practice on trials for such offences is at least as much open to consideration and revision as the practice on trials for felony. But,

5th. Whatever course be deemed the most expedient for the discovery of truth, whether the rejection or the admission of speeches by advocates, it is manifest beyond dispute, that for all purposes whatever,—for attaining truth,—for conciliating public opinion,—for procuring

respect to our judicial institutions,—it is absolutely necessary that both parties should, in all cases, be placed on the same footing. If the prosecutor's counsel address the jury, so ought the prisoner's ; if the prisoner's be silenced, so ought the prosecutor's. At present a disparity exists ; and whether that disparity be productive of improper acquittals by the compassion it provokes in the tribunals, or whether it be productive of improper convictions by the practised skill employed on the part of prosecutors, it ought, without delay, to be abolished.

#### CONSTITUTION.

##### *Representation of Edinburgh—Reform in Parliament—Bribery Bill, &c.*

THE principle on which the theory of representation rests, is, that if the governing body be not responsible to the people at large, the interests of the people at large will, in the long run, be sacrificed to the interests of the individuals composing the governing body.

Under a representative system, however, it is manifest that the powers of government ultimately reside in the electors ; and if those electors be few in number, with relation to the rest of the community, it is equally clear that they will individually have as decided an interest in the profits to be derived from misgovernment, as a governing body independent of electors. The next problem, therefore, is, how to prevent the electors from consulting their sinister interests, to the detriment of the rest of the community—(a matter of difficult accomplishment, if, according to the above assumption, the powers of government are really vested in them) ;—or how to reduce those sinister interests to so small an amount as to leave the electors a greater profit in the general benefits to be derived from good government.

It is plain that, in proportion as the electors are many, their interest in misusing the residue, who are not electors, approaches an immaterial quantity.

The profits which 200 or 2000 electors might extract from the misgovernment of 20,000,000 non-electors, is incalculable. But if ten millions out of the twenty millions were electors, each of the electors could only obtain the profits to be derived

from the misgovernment of a single individual,—an interest which might be too small to produce any assignable ill effect.

Without entering, therefore, on the contested ground of universal suffrage, we will assume, for the purposes of the present argument, that the interests of the community would be sufficiently secured by vesting the right of suffrage in some large proportion (say a half, or a fourth) of the whole number.

A distinction, however, must here be made between an illusory and a real right of suffrage. If the right be conferred on A, B, C, and D, but A is enabled, by bribery or intimidation, to induce B, C, and D to vote as he directs; A has four votes, B, C, and D have none; A makes a choice, B, C, and D make none; A's right is real, and he is an elector; the right of B, C, and D is illusory, and in effect they are not electors.

And this influence of will over will is plainly distinguishable from the influence of understanding over understanding.

If a man of strong and cultivated understanding, persuade a man of inferior intellect to vote in a given way, the man of inferior intellect exercises a discretion, and makes a choice to the best of his discernment; but in the exercise of the influence of will over will, the party under command, whether of superior or inferior intellect, is prohibited from exercising any choice whatever.

The mode of election procedure pursued in the British system of representation, by giving full scope to bribery and intimidation, has placed the power of electing representatives in the hands of a very few, as compared with the whole bulk of the community.

The number, too, even of illusory electors, is considerably contracted, by an adherence to qualifications established centuries ago, and little suited to the existing state of things.

It is a fact not denied by those who are most hostile to any alteration of the present system, that a majority of the House of Commons is returned by about 71 peers and 91 commoners; and that a small proportion of the whole community contributes to return the remainder.

In a legislature so composed, the portion or party of it not in place may be steadily opposed to the party in place; and yet little or no advantage to the com-

munity will result from such an opposition. Such an opposition cannot consult the interests of the community without lessening the amount of profit in expectancy, should it succeed in supplanting the party in place. To this end, attempts will be made to throw discredit on the party in place, in various ways; but both parties will, by tacit and often unconscious assent, abstain from introducing any plans which may materially tend to lessen their actual or expected profits in misgovernment, while that misgovernment will be carried just as far as shall be possible, without endangering the safety of the ruling body.

The evils, however great they are, would have proceeded much further, but for that degree of freedom of the press which exists contrary to law; and the publication of the debates, which takes place contrary to the standing orders of the House; and forms, therefore, no part of what some persons call the *Constitution*.

The immediate knowledge of what is going on, and an occasional clamour of indignation, give the people, under another form, a portion of that control which it cannot be pretended they have in their representative system. Members who seat themselves in the legislature, or who are seated there by a few powerful families, are, as far as representation is concerned, thoroughly independent of the people.

But, as it is plain, from the continued existence of jobbing and depredation, that public opinion, even aided by a partially free press, is not a sufficient safeguard for the interests of all, no adequate remedy can be expected till the power of choosing their representatives is vested in a considerable portion of the people.

Any plan of reform which fails to attain this end, may be considered as altogether nugatory.

Having premised thus much, our inquiry now is, as to the plan proposed by Lord John Russell in the last session of parliament. That plan is as follows:—

“ To take a certain number—for instance, a hundred—of the small and decayed boroughs, and to allow them to return only one member, instead of the two which they return at present. The vacancy which would be thus created in the representation, would be filled up by adding to the number of representatives for counties,



"and also by giving the right of representation to the large towns, which have grown up in different parts of the country\*."

The object of this plan probably was, to increase the number of electors; for Lord Althorp, the seconder of the motion, said, "the present state of the representation was such, that the people had not that preponderance in it which was necessary to secure them the certainty of being well governed." It will, however, be no difficult task to shew, not only that the plan could produce no such effect, but that it would render matters much worse than they are at present.

From each of the corrupt boroughs, the members are returned, for the most part, by a single elector; that is, the patron or proprietor of the borough, or the purchaser of the seat for the time being. It is true that a few of the burgesses who inhabit the place, go through the ceremony of giving a vote; but the vote, as far as it purports to be an indication of choice, is altogether illusory—the choice being made by him who gives the pittance which their poverty impels them to accept.

But the members for the counties also, are seldom returned by more than one or two real electors. The great mass of county voters,—the farmers and tradesmen,—are absolutely compelled, on pain of losing their farms or their principal customers, to vote for the candidate whom the great landholder elects. Precisely the same effect is wrought among them, by intimidation, as is wrought among the inhabitants of the borough by bribery. The half-starved burgess renounces his vote to gain five pounds; the farmer with ten children renounces his vote, lest he and they should lose all means of subsistence; the end attained in both cases is the same—the renunciation of any kind of choice; but of the two instruments employed to attain the end, bribery is by far the less pernicious. By bribery, the end is attained without pain; the briber receives his value in return, and the party bribed is satisfied with his bargain; but by intimidation are engendered the feelings of a *tyrant* on one side, and the feelings of a *slave* on the other: and as to the demoralization so exclusively imputed to bri-

bery, it is not easy to comprehend why it should be worse to do a given act, on an agreement to receive money, than to do it on an agreement not to lose.

It seems, then, that as long as the landholder is enabled, by the present mode of election procedure, to put in force the *great engine of intimidation*, no accession will be made to the number of real electors, by taking from the boroughs and adding to the counties a certain number of representatives. Such a measure will only enable the great landholder, who at present returns one member, to return two, and will prevent the great moneyholder from returning himself.

This would certainly be a change for the worse. Not only would the painful process of intimidation be substituted for the less objectionable process of bribery, but a greater number of representatives would be returned by a class of men whose interests are more irreconcilably opposed to those of the rest of the community than the interests of any other class whatever.

Under good legal institutions, it might be possible to give the lawyer an interest in the dispatch and cheapness of suits, perhaps as great as he has now in their delay and expensiveness. Under good ecclesiastical institutions, it might be possible, (as it has been shown to be, in Scotland), to make the clergy render service commensurate with the amount of revenue they enjoy. But it seems impossible, under any circumstances, that the owners of land should not have an interest opposed to that of the community.

It is obviously the interest of the community that the price of raw produce should be as low as possible; but, as the rent of the landlord must increase in proportion as the price of raw produce is high, he has a direct interest in every measure which tends to raise it as high as possible: therefore, if there were no other objections against them, the interests of the landholders would render them, as a class, the most dangerous to be entrusted with the interests of the community; but, in other respects, they appear also singularly unfitted for the province of legislation. Born to hereditary wealth, and without exertion secure of every enjoyment, which the mass of mankind can only attain by patient toil, they are deprived of the most powerful incentive to undergo the labour necessary for the so-

\* *Ibid*, p. 580.

quirement of knowledge, while they have every inducement to pursue an opposite course. To men of ordinary minds it is indeed much pleasanter to spend the morning in hunting, and the evening in dining and dozing, than in a laborious search for truth, or any serious exertion of the mental faculties; but we may be fairly excused for doubting whether the difficult and extensive questions of state policy can safely be handled by those whose time is passed in frivolous amusement. To attempt to play the fiddle without previous instruction, would be esteemed the height of presumptuous folly; at least, then, we may suspect that the science of legislation requires some training, and that men do not acquire political wisdom by intuition. Such is the supposition we should make *à priori*, and such is the fact as borne out by all experience. There is scarcely an instance of a country gentleman having distinguished himself in the houses of Parliament except as an opponent of almost every species of improvement; the members remarkable for knowledge and talents have almost invariably been returned for the boroughs.

To take, therefore, from the boroughs the privilege of returning representatives, and to vest it in the counties, would, under the present system of election procedure, in no wise contribute to the only effectual reform of the representative system—the increase of the number of electors: on the other hand, it would greatly augment the mischievous influence of a class whose interests are more than those of any other class, opposed to the interests of the community: it would substitute for the evil of bribery, the greater evil of intimidation; and it would narrow the only entrance by which, as things stand at present, men of talent can find admission to Parliament\*.

It can hardly, however, be believed, that means might not be found by which the number of real electors might be increased on transferring the right of suffrage from the boroughs to the counties, and by which the disgraceful tumult of elections might be altogether avoided.

\* Let us not be mistaken, or supposed to preach up hostility to landholders merely because they are landholders. Their existence as a class is an inseparable incident to property in land: all we desire is, a vigilant eye to their proceedings,—all we deprecate is, investing them with any extraordinary degree of political power.

Until secrecy of suffrage, or, as it is commonly called, voting by ballot, shall have been tried, it would be presumptuous to affirm that there are no means of increasing the number of real electors, and equally presumptuous to affirm that elections cannot be conducted without tumult, until they shall have been carried on concurrently in small electoral districts; for instance, in every parish, or even in every town.

It is not necessary, upon the present occasion, to enter at large into the objections commonly urged against the ballot.

It has been shown that security for good government cannot be attained except by creating a numerous class of electors; it has been shown that in a country where a few are very rich, and the great mass of the community are comparatively poor, it is impossible to have a numerous class of real electors while the suffrages are given openly: either by intimidation or bribery, the actual choice will remain in the few.

Unless, therefore, the inconveniencies apprehended from the ballot can be shown to be greater than the sum total of the evils experienced from misgovernment, they ought to be submitted to, supposing them to exist, for the sake of attaining a paramount good,—security for good government; and it is incumbent on those who reject the means thus offered for attaining this end, to show that such means are objectionable, or that others less objectionable may be found.

What, however, are the objections commonly urged?

1. That the ballot would not ensure secrecy.

2. That it is derogatory to the pride and dignity of an Englishman to have recourse to concealment in order to escape oppression; and that he is not fit for free institutions unless he is willing to be ruined in support of them.

3. That secret procedure would destroy all interest in elections, and all public spirit.

That there would exist a class of imprudent persons, who, notwithstanding the protection held out to them by the ballot, would by indiscreet avowals expose themselves to the enmity of the powerful, may perhaps be at once admitted. But the legislator's inability to shield the imprudent from the effects of their own indiscretion, is no reason



why he should not afford to the prudent all the protection in his power. As there must always be a certain portion of mankind incurably weak, it would be as absurd to abandon attempts at general improvement, because this portion cannot be protected against its own folly, as to relinquish the encouragement of vaccination because a few bigotted and prejudiced old women persist in propagating the small-pox, or to omit building parapets on a bridge, because madmen will sometimes jump over them. Let the legislator do his best to establish good institutions, and there can be little doubt that the majority of mankind will be ready to profit by them.

The second objection being of a sentimental nature, and not referable to the standard of utility, (which proposes to attain, for the aggregate of society, the greatest amount of pleasure, and the greatest exemption from pain,) is only advanced by those who have some other standard of good and bad than the standard of utility:—as they have no where informed us what this other standard is, it is not easy to reason with them. It can only be observed generally, that there is nothing bad in secrecy of itself;—secrecy is good or bad according to the purposes for which it is observed. Secrecy with regard to matters confided to our knowledge, under injunction not to reveal them, is esteemed a virtue; secrecy in the proceedings of courts of justice is esteemed an evil, because, by exempting the judges from observation and responsibility, it holds out temptations to misconduct: but secrecy of suffrage at elections of representatives is asserted to be good, because it may shield the poor man who chooses to think for himself from the oppression of the rich.

As to the alleged degradation incurred by a resort to secrecy, it is not easy to comprehend why it should be esteemed more degrading to *do* as we like under condition of silence, than to *say* what we like, under condition of *doing* what we dislike.

With regard to the last part of the objection,—admitting, for the purpose of argument, the baneful proposition, that good institutions ought not to be accorded to any but those who are willing to sacrifice themselves to obtain them, there is a large mass of every

community to whom the proposition cannot apply. A man may be ready to sacrifice himself in support of his opinions, but he may think it too much to sacrifice a wife and children.

The third objection is perhaps soonest answered by a reference to the fact, that in those numerous provinces of the United States of America in which election procedure is conducted by ballot, no lack of interest on the subject of elections is observable,—no decline of public spirit.

As for those who profess to apprehend danger to the institution of property from that extension of *real suffrage* which would necessarily ensue upon procedure by ballot, they may be challenged to produce a single instance in the history of the world in which the institution of property has failed to command respect at the hands of the mass of mankind. Conflicting parties have occasionally confiscated the possessions of obnoxious individuals; or have abolished inexpedient modifications of property, as Henry the Eighth abolished the monasteries; but the people, even when most ignorant and most provoked, have never been betrayed into any general attack on property, nor is it their interest to commit such an absurdity; for if property were disregarded, they must suffer more than the rich whom they attack. “Take away all public protection of property, and the rich man immediately finds himself at the head of an association, whose interest leads them to respect proprietary rules among themselves, and to violate them with regard to any one else. There is no person, except himself, whom all the members would concur in reverencing as their chief: but the poor man, when the public safeguards of property are withdrawn, cannot make it the interest of any body to maintain its laws towards him. He is perfectly isolated and defenceless, and stands exposed to plunder and slavery, from the powerful associations in his neighbourhood. Let no one imagine that, because he is poor, he is, therefore, an object not worth aiming at. His labour is the most valuable of properties, and he is inestimably the most profitable of all domestic instruments\*.”

\* Statement of the Question of Parl. Reform p. 70.—Baldwin, 1821.

Conformably to these principles, in every country where there is no law of property, the rich man is a despot, and the poor man is a slave. In England, five or six hundred years ago, the property of the feudal baron was secure and terrible, while the poor villein had no protection even for life.

With respect to the other part of Lord John Russell's proposal, namely, to give to the large towns a portion of the members taken from the decayed boroughs, it may fairly be apprehended for the large town as well as for the county. Without ballot, the number of real electors would not be increased; in the large town, as in the county, the member would in effect be returned by one or two powerful individuals, whose interests perhaps would not be so much opposed as those of the landlords to the interests of the community, but who nevertheless would have an interest of their own distinct from that of the community, and that distinct interest they would, in the long run, assuredly pursue. Further than this, a greater course can scarcely befall a town than the privilege of suffrage, under the procedure of open voting, and tumultuous and protracted election. The tyranny exercised in harassing small shopkeepers to vote contrary to their inclination, on pain of losing their customers; the abandonment of principle to which the poorer sort are tempted, by the prospect of a little money to relieve present necessities; the demoralization of the labouring class, and the annoyance to the more peaceful and respectable citizens by the violence, tumult, and debauchery of a contested election, constitute a frightful mass of evil.

But how much of all this evil and inconvenience might be removed by ballot and simultaneous election in every parish! Whatever may be alleged as to the inefficacy of ballot to secure secrecy, can it be believed that any man would lay out money in bribery, when he could have no means of ascertaining whether the vote was given according to agreement? could riot or tumult take place, if the election, instead of being extended over ten or twelve days, were commenced and terminated in half an hour? if the voters, instead of being called together in one vast mob, were dispersed each to the separate polling booth of his parish, or street?

It is to be feared, however, that they who resist such expedients have no wish

that election tumults should be repressed, no wish that the numbers of real electors should be increased.

The riot and tumult which they so carefully cherish, affords a pretext for saying, as many say, that the mass of the people are too ignorant and brutal to be entrusted with the choice of representatives; that, in order to secure the influence of property, the real choice ought to be vested in a very small proportion of the whole community, and that a degree of what is termed public spirit, sufficient for checking the tendency to misgovernment, may be generated and sustained by the septennial or triennial tumult of contested elections, as now carried on.

As to the degree of information requisite, we have before shewn that nothing more is needful than for the people to know who among them are most in esteem for the acquirements and integrity appropriate to a member of parliament; and that a tolerably civilized people does not possess this degree of knowledge, has no where been proved or asserted.

The plan for keeping up public spirit, or a love of liberty, as it is sometimes called, by periodical saturnalia, it is past our faculties to comprehend. The class who are led into the excesses of such occasions, are generally the least informed, the least reflecting, and the least virtuous of the whole. If by public spirit be meant a regard for the general interests of the community, including one's own share thereof, such regard may exist among the sober, peaceable, and industrious, but can never be found among the drunken and profligate. In proportion, indeed, as the people have advanced in education, the debauchery, tumult, and violence of elections have greatly subsided; the class by whom such disorder is continued is become exceedingly small; and yet it will scarcely be affirmed that public spirit, or a vigilant eye to the abuses of government, is less manifest at the present than at any former period of our history.

To the doctrine that a regard for the influence of property (which must mean, if any thing, a regard for the protection of property) requires the real choosers to be few, though the illusory voters be many, an answer has been already given.

But the less experienced ought to be put on their guard against the ambiguous extent of this expression, Influence of property, in the mouths of certain people,



is a phrase employed to conciliate and win over to their views the possessors of large property, of whatever kind. Such is the thing expressed, and such the object of the expression;—the thing meant is, not influence of property, but influence of landed proprietors. That the influence of property at large is not the thing meant is perfectly clear, from the hostility shewn to bribery, and the indulgence shewn to intimidation.

If those who hold this language were sincere in their wish, that property at large should have an influence which they would deny to intellect, they could never object to bribery; for there are no means by which the possessors of property can exercise a more direct influence, than by purchasing whatever they desire; and we have shewn that the exercise of influence in this way is less mischievous, less painful, than in the way of menace. Nevertheless, our statute book teems with laws against bribery; our parliamentary and county orators are unceasing in their invectives against this fearful exercise of the influence of property; against the justice of paying a man for surrendering his will to the will of the payer, we have penalties and denunciations without end; while, against the injustice of compelling him to act contrary to his will, from apprehension of being stripped of the means of gaining a livelihood, we find not a single enactment, we hear not a single protest. On the contrary, a large class of public writers have openly contended, that, if the tenant will not vote as his landlord bids him, it is perfectly just that the landlord should take advantage of any delay in payment of rent, or other breach of covenant, to eject the tenant from his farm; and it is a fact too notorious to be denied, that, upon such occasions, that course is frequently pursued.

The influence of property, then, means the influence of landed proprietors; an influence, as we have already shewn, the most opposed of any to the interests of the community, and therefore the most carefully to be watched and circumscribed.

Having examined somewhat in detail Lord John Russell's plan of reform, and the objections commonly advanced against the only accompaniment of the plan which could render it other than pernicious, it will not be necessary to enter at length into his speech. What is remarkable in it, is, the sort of argument

selected as most likely to make an impression on the House. He asserts, pretty openly, that the election of members is in effect vested at present in a few persons; he asserts that the interests of the many are sacrificed to the interests of the few; but he calls on the House to assent to his plan of reform, not so much because he considers it calculated to secure the interests of the community, as because it would be a return to a supposed ancient order of things. "In asking for a reform, therefore, I ask but for a restoration of our ancient rights\*,—I only propose to return to the original constitution,—I ask only to place the House of Commons in the same state in which I have proved it always ought to have continued\*."

The real question is, what institutions are necessary for the security of the people of the present day?—If we can decide on that, it seems immaterial whether or not they agree with the institutions of five hundred years ago. The employment of such irrelevant arguments, shews at least the opinion the speaker entertains of his audience, and how incompetent he deems them to think, or act, except upon authority and precedent. Nor is he single in this opinion. Mr. Peel, in his great speech upon the amendment of the criminal law, does not venture to rely half so much on the expediency (not to say the necessity) of the change, as on the authority (certainly, not a mean one) of Lord Bacon.

In like manner, Mr. Hobhouse, in this debate, says, that the reformers only wish "to recover for the people that control which is by right theirs; and to give them, by restoring the House of Commons to its original purity, the only real security for their persons and their property." But, in the course of a very long speech, he has no where explained that the people are misgoverned because their interests are at the mercy of a few, nor what are the means by which they may obtain security. So far is he from suspecting the real cause of all the mischief, that he says the restored dynasties on the Continent have made successful inroads upon the pockets of the people; "not because they have been aided by the aristocracy, but because they have no aristocracy to oppose

\* *Ante*, pp. 578, 579.

them. There is not in France any "body of men round which the people can rally themselves and stem the torrent of power; and, as the landed estates in that country are cut, as it were, into shreds and patches, and are undergoing a perpetual subdivision, there are no individuals of sufficient importance to make head against the dispensers of the favours of the crown."

Now, since the world began, can Mr. Hobhouse point out an instance in which an aristocracy have ever aided with the people to make head against the dispensers of the favours of the Crown, or to shield the people against the oppression of the Crown? It is true, that aristocracies have occasionally been at variance with, have occasionally thwarted, the monarch; but always for their own purposes,—always to redress some injury done to their own body, or to obtain some immunity,—and never with any view to the benefit of the people.

To go no further than the range of Mr. Hobhouse's speech;—he complains that the increased influence of the Crown has rendered unavailing all the efforts of the Opposition to check abuse. But what has caused this increase in the influence of the Crown,—and what are these efforts of the Opposition so highly extolled by Mr. Hobhouse? The influence of the Crown has increased, because the House of Commons has never interfered to check its increase—because the persons returning a majority of the members have found a decided interest in promoting its increase; a proof of all others the most conclusive, that the House, as at present constituted, does not represent the people. But, taking the fact to be as Mr. Hobhouse states,—taking this influence to be irresistible, and all opposition in the house fruitless,—if the aristocracy, who have created this influence, were by a miracle to repent of their misdeeds,—if they really wished to side with the people against the dispensers of royal favour,—if they were a body round whom the people could rally to attain the ends of good government,—what course would they pursue? Would they waste their time and strength in divisions confessed to be unavailing,—divisions on mere details of state economy? Would they labour to relieve the people from one-hundredth part of all the evils complained of, and leave untouched the continuing cause of still-

increasing mischief? Would they not rather seek to establish some great principle,—to point out, with a precision beyond dispute, the origin of the grievance, and apply themselves to effect the only remedy, by vesting in the people the choice of their own representatives?

But what is the fact? Upon questions whether 5 or 10,000*l.* a year, more or less, shall be granted to certain branches of the Royal Family, or twice as many hundreds be added to the salary of a minister; upon all questions, in short, which may discredit the ministry for the time being, and give the party who are out a hope of succeeding to their places; upon questions which may have an air of importance, without the least chance of producing any advantage to the mass of the community, we find these members returned by the aristocracy, according to the language of Mr. Hobhouse, "glued to their seats;"—"the evening sun goes down on their hostile array," "and when he arises in the morning he shines upon their undiminished ranks;" they "despise hunger and thirst for conscience sake\*;" the speakers are numerous and eloquent, and the divisions at least respectable: but let the question be one of principle; let it be a proposal to give the people the choice of their representatives, and thereby to stop, in the gross, the extravagance so loudly complained of in detail, and where are the speakers, where is the eloquence, what are the divisions? The speakers, as on the present occasion, three or four!—the question withdrawn!—the division not requiring a teller; while the ministers, perfectly satisfied that upon these occasions, at least, their opponents are not in earnest, scarcely deign to enter the house, and leave the whole debate to Mr. Denison, Mr. Ross, and Lord Glenorchy!

It is not necessary to suppose that this course of things is premeditated, or that there is any actual combination amongst the members to avoid entering on discussions of real importance to the public. The state of their interests is, of itself, sufficient to produce such a result, and it is probable that a considerable proportion of the House is unconscious of the secret springs by which it is actuated. By a kind of instinctive consent both parties abstain from entering on topics

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\* *Anti*, p. 585.



likely materially to affect their immediate or prospective interests, and in the absence of such topics naturally attach a disproportionate degree of importance to others in which the public are less concerned.

Thus Lord John Russell, no doubt with the best intentions, brings his whole force to bear against the detestable sin of bribery, introduces new bills, and after much labour induces the House, with the help of the Speaker's casting vote, to pass resolutions expressive of their abhorrence of the practice, anticipating from such fulminations the best possible effect at the ensuing elections! But if the House, instead of being chosen by the people, must be chosen and returned by an aristocratical few; bribery, instead of being the cause or aggravation of the evil, is however objectionable in itself, less objectionable than the tyranny of intimidation. But upon the evils of intimidation, by which so large a proportion of the community are compelled, without any compensation whatever to do the same thing, as the portion bribed,—to vote against their conscience,—Lord J. Russell says not a word: with regard to the parties who pay for the violation of conscience which they occasion, his indignation and apprehensions know no bounds: with regard to the parties who compel the same violation and pay nothing, he is as mute as if no such practice existed.

We are far from thinking or saying that Lord J. Russell does not intend to befriend the people: we merely express our doubts as to the utility of the measures which he proposes.

As to the debates on these bribery bills and resolutions, it is difficult to read them with gravity. Edifying indeed it must have been to have heard Mr. Brougham, in his capacity of lawyer, seriously expounding to the House, how "the practice of paying the electors after the election, though unconnected with any previous promise, was illegal:" how, "he had no doubt of its being an act of corruption, and of gross illegality;" how, "it was extremely desirable that the opinion of the House should be taken on that motion; if the opinion of the House, or even of a large portion of the House, was in favour of it, he thought it would have a good effect upon elections:" how, "he looked with anxiety to the interruption of the practices going

"forward in all quarters, which that motion might occasion\*."

Interruption, indeed! though we would not venture to ask such a question, Mr. H. Gurney immediately afterwards asked, "was there a member in the House who did not believe that every person who held a seat in that House must pay for it?" Every, was certainly six too many; for up got six immaculate members who loudly declared their innocence; but the man must be gifted with no small portion of faith who can believe that notwithstanding the *brutum fulmen* of the resolutions against bribery, the late elections have in any respect differed from those which have preceded them. If Mr. Brougham would really suppress bribery, let him propose the experiment of ballot; the impossibility of knowing whether any return is obtained for money paid, will do more to prevent the payment than all the penalties and resolutions that the most indignant legislature can frame.

By ballot too, he might at least give voters a chance of escaping the tyranny of intimidation; and what would be gained by repressing bribery, if intimidation still enabled the aristocracy to name the members of the House?

To get rid of bribery alone, would no more increase the security for good government, than to reform the Burgh of Edinburgh alone; a plan which was proposed by Mr. Abercrombie just before Lord John Russell's motion, and which was equally rejected by the House. But had the measure been adopted, it is not easy to see what the nation would have gained, (although it is very easy to see what the citizens of Edinburgh would have lost,) while the great body of the community remains without any share in the choice of representatives, and consequently without control over those who are returned by a few.

Such were the plans of reform proposed in the last session, and such the result. That they have failed, can never be matter of regret: nor, after the preceding exposition, can it be necessary to ask why they have failed. They who have already the privilege of choosing members in their own hands, and of dividing among themselves the profits of the adventure, are not willing to extend the privilege, and to surrender or diminish their share

\* *Ante*, p. 572.

of the profits. This, of course, is too broad "for ears polite", and other reasons, other arguments, must be advanced, against any proposal for alteration. To examine those arguments in detail would be a useless waste of time, but to state a few of the more prominent may be not altogether uninteresting or uninstructional.

Mr. Canning, in the Edinburgh reform debate, asserts that there is no grievance in the state of the representation\*. Does he believe, that if the members of the House were chosen by any large proportion of the people, the younger sons and dependents of the aristocracy would be provided for, as they are at present, out of the pockets of the people? Can he deny that this, though no grievance to the aristocracy, is a grievance to the people? He asserts, that if there be grievances, the attempt to remove them would produce a still greater evil: does he adduce or attempt to adduce any proof of this? Will he say that the ballot and simultaneous election would not deprive the few to a great extent, of the exclusive privilege of choosing; and can he point out any evil in a change which would leave the externals of the Constitution the same as at present in every respect, except as to election tumult?

He asserts that the country is prosperous under the present system. But what answer is this to those who assert that, under a popular representation, the country might be *more* prosperous; and where does he show that the country prospers, not in spite of, but in consequence of aristocratical dominion?

As to the jokes about a Scotchman's having the hardihood to call for a reform at Edinburgh, when he himself sits for a close borough in England, they could have no other object than to divert attention from the question in debate, and are as unworthy of serious notice as they are of the character of any man who is in earnest about truth.

Mr. W. Dundas deserts the question for the same brilliant *argumentum ad hominem*\*; he is also, with Sir G. Clerk†, very animated in defence of *chartered rights*. But what idea does the hon. member affix to the word rights? What are *rights*, but *means* devised by law for attaining the *end* of public good. The savage is without law, and conse-

quently without rights, and without security; but if the legislator of a civilized people has mistaken his means, and ignorantly or inadvertently conferred rights which do not conduce to the end he desires, is he to persevere in his mistake, and sacrifice the end to preserve the means? Cannot the power which confers rights, modify or abolish them as convenience or necessity may dictate? Mr. Dundas has, under the law of his country, a right to his house and his garden; a chartered right if he likes, secured to him by the *Great Charter*; but will this prevent, or ought it to prevent the commissioners under the New Street Act from entering upon his garden, and pulling down his house, if public convenience shall require it? The public can no longer be deceived by this stalking-horse kind of argument.

But Sir G. Clerk says, that if these rights be attacked, there is no knowing where innovation may stop. Where will the new street stop? Where convenience and use require. If the commissioners were to attempt to pass that boundary, would not the general outcry of the neighbourhood arrest their operations? and why should it be assumed that the members of the House of Commons are more imbecile than the neighbours of the new street?—for the argument amounts to this—'Even though the present measure should be objectionable, you must reject it, for it would lead to the proposal of others; and you are so stupid or so undiscerning, that if you permit this to pass, you would not have the sense to reject others, though they should be never so objectionable.'

Mr. J. E. Denison, in the debate on Lord John Russell's motion, tells us that ministers are reforming abuses, and that, therefore, parliamentary reform is unnecessary. Nobody can be more ready than ourselves to give credit to the present ministry, whenever they deserve it; but the mischief of a Parliament constituted as ours, is, that in proportion as it is obedient to ministers in almost every measure which can be injurious to the community, in the same proportion is it disobedient in measures which are fraught with any extensively good results. To obtain majorities for passing bank restrictions acts, or for increasing public expenditure, is a matter of no difficulty;

\* *Ante*, p. 569.

† *Ante*, p. 560.



but no sooner is an endeavour made to give the nation the benefit of a free trade in corn, than the whole host of landholders rises up in wrath; ministers tremble for their seats; upon one excuse or another, the measure is postponed from session to session, and the power of the aristocracy wielded to the defeat, even of the influence of the crown, and to the general injury of the community. This, however, is probably what Mr. J. E. Denison approves of under the name of the influence of property; in America, he tells us, property loses its influence, and is less respected than here\*. As we have never heard of any thing like a disposition to impugn the institution of property in America, or any complaints of insecurity of ownership, even among the back settlements, we conclude that when the hon. gent. says property, he means *men* of property who have no claim to respect but the purses which they brandish; indeed, he is constrained immediately afterwards to admit, that by some means, the system there "*works well*." We can scarcely wonder at his inability to comprehend what the means are, when we find the following passage in the New York Gazette of October 13, 1824.

"Messrs. Stanley, Wortley, and Denison, Members of the British Parliament, have arrived in Boston from Canada, on their way to New York. These gentlemen travel too rapidly to obtain any very accurate knowledge; if their object is merely amusement, that may be answered."

Mr. Ross, with whom we shall conclude, has a very short argument against those who call for any better security for good government. According to him, none but the ignorant classes desire any change; "those who are most distinguished for the virtue and quiet of their lives, the dignity of their characters, and the splendour of their talents, are opposed to the change which it is sought to introduce†." We are at a loss which most to admire, the modesty, impartiality, and truth of the assertion, or the relevancy of the argument; answer, of course, we can find none; and we must, therefore, leave the enthymeme to those among whom it will, no doubt, produce a deep effect—the virtuous, quiet,

and talented class—who draw so largely on the purses and patience of the community, and for whose use, it seems to be established, the community was created.

#### *Summary Review of the Conduct and Measures of the Seventh Imperial Parliament.*

IN taking a view of the proceedings of the late parliament, and considering effects in conjunction with their causes, we shall presume, that our readers are aware of the acknowledged principle upon which all our reasoning, with respect to the actions of men, and our rules for modelling their conduct, are founded.

That principle is, that men are governed by motives: this is only saying, in other words, that they are governed by their interests; and it will best suit the expression of those reflections, which will occupy the subsequent part of this disquisition, to use the former of these terms in place of the latter; the interest being the primary thing—the motive only secondary and derivative; the interest, the actuating ingredient—the motive, but the view which the mind takes of the interest.

We desire to avoid all controverted points on this subject, and merely to explain distinctly the sense in which we wish to be understood. Thus, if any one should insist upon it, that men are not universally governed by their interests, and that many men, in many acts of their lives, act from sympathy, and the dictates of virtue, in opposition to their interests, we are not at all disposed to controvert their opinions, because there can be no doubt, that in the sense in which they understand the words, their proposition is true, how much soever it disguises the real nature of the phenomena.

It is not less true, with respect to every man, that, of the whole actions of his life, by far the greater number are determined by views of interest, in the ordinary sense of the word; the allurements of pleasure, the aversion to pain, the desire of wealth, power, reputation, and so on: nor, with respect to a large body of men of any description, that of their actions, upon the whole, interest, in this very sense, will be the governing principle.

\* *Ante*, p. 580. † *Ante*, p. 582.

When men are combined into an acting body, and have a kind of principle of unity bestowed upon them, it is universally recognized, that the interest of the body is the ruling principle of action. Their sympathies are with one another, not with those exterior parties whose interests come in competition with theirs. And as for virtue, in their case, who knows not, that in most minds, virtue consists in doing good to those with whom we sympathize? If there is any class of sensitive creatures, totally removed from our sympathies, we little regard the effects which our actions may have upon them.

This doctrine, which it would be highly instructive to illustrate at greater length, we must take as conceded. In truth, to deny it, would be to deny the very principle upon which government is founded. The principle upon which government is founded, is, that men, generally taken, will not only prefer their own interests to those of other men, but, when they can, will sacrifice the interests of other men to their own. Government, in all its shapes, is but an organization of means for checking the operation of this propensity; in most instances, it is true, a wretched organization.

In considering, in a general point of view, any part of the proceedings of the parliament of England, the House of Commons, of course, is the first object of attention. It is not incumbent upon us here to explain in what manner the House of Commons has become the main spring in the government of England: it is sufficient for us to recognize it as the fact—a fact, neither disputable nor disputed.

From the mode in which the suffrage for members to the House of Commons is distributed, and in which the business of the election is performed, it has been found possible and easy, for the leading families in the country, to establish such an influence over the electors in all the counties, and in a great proportion of the towns, that they can return as members for those places, the persons of their choice. This they do for one parliament after another, without end. And this, it is evident, is nomination—hereditary nomination, under certain forms—which, though at times they are troublesome and expensive, are, nevertheless, deemed necessary, in order to disguise the reality under false appearance.

There may be some doubt as to the precise extent to which this virtual nomination is carried. But for the settling of this dispute, any portion of the time of our readers or ourselves would be unprofitably bestowed. There is no doubt that it extends to much more than a majority of the members; and this is all which it is material to know. Whether the minority consists of a few less or more, is not of the smallest consequence with regard to the general nature and tendency of the acts of the assembly.

Of that portion of the House of Commons, which is not returned by the leading families, the greater part consists of men of large fortunes, who can afford, by dint of money, to create a temporary influence in those places where no great family has established a permanent one; and, in a few places, the election is made under more or less of the real opinion of the electors; their opinion of the fitness or unfitness of the individual to whom their votes are tendered.

Of those two portions of the House of Commons—that which is nominated by the leading families, and that which is not nominated by them—the latter is that alone about the nature and force of whose actions any doubt can exist.

The matter of fact and experience is, that of the members who do not sit by the nomination of the leading families, the greater number are prone to act along with them, and pride themselves in holding a place in their ranks. As far as these men are concerned, the interest which shapes the actions of those who are nominated by the leading families, does not experience opposition, but support.

When a legislative assembly is so composed, that one interest actuates one portion of it—another, another; but one of these portions is a great majority; it necessarily follows, that the interest of the major part is that which predominates in the whole. Whatever proposition, favourable to their own interest, the major part wish to carry, they always can carry, notwithstanding any injury it may import to the minor part, and the rest of the community, and notwithstanding any opposition which it may be in the power of the minor part to make to it. On the other hand, any proposition which the minor part may introduce, however conducive to public good, the major part, if it threatens



any infringement of their advantages, have at once the motive and the power to throw out.

In a legislative assembly, in which the great majority are leagued in the aristocratical interest, the situation of the minority, who represent the general interest, whether, in point of numbers, they are considerable or inconsiderable, is not that of legislators. It is mere imposture to call it so. Their combined votes in favour of any measure, to which the aristocratical interest are opposed, are wholly ineffectual to carry it. Their votes, in favour of any measure to which the aristocratical interest are inclined, are useless, because the measure would be as certainly carried without their votes, as with them. Voting, in these circumstances, is wholly without effect. It is, therefore, a mere nullity. As well might a man act the farce of voting in a desert, where there is nobody to see or to hear him. But if the voting of the minor part in such an assembly be a mere nullity, their speaking is not. They may still advocate good measures. Their place, therefore, in the legislative assembly, is that of legislators in form only, and with a fraudulent effect. They have but one real function—that of advocates for the general interest; and they would be much more favourably situated for the performance of this positive service if they were relieved from their mock character of legislators.

As the character, then, of the English House of Commons is, beyond all controversy, that of an aristocratical hereditary assembly, with a few advocates of the general interest, allowed to be heard among them, we are a little prepared to judge what sort of actions are to be expected from them; and, in reviewing the proceedings of the last parliament, to shew pretty accurately the connexion between causes and effects.

It must be supposed, that by a legislature, in which the aristocratical interest had so long and so largely predominated, the machinery of government, and all its workings, would long ago have been put into the state the most favourable to the interests of the aristocracy, which aristocratical wits, matched with the circumstances of the times, could bring them to; and that in this state they were found at the commencement of the last parliament.

This being the case, it is impossible not to see what must have been the predomi-

nating purpose of that assembly, throughout: that it must have been, to keep things as nearly as possible in the state to which they had been brought; and if an appearance of doing something must be kept up, to make as much of a little as possible; to put the advocates of improvement always on a wrong scent, and to listen to the proposition of no change that implied any real alteration.

When the powers of government are placed in the hands of a few—be it an aristocracy, or a despot and his satellites—these powers are rendered subservient to the interests of those who hold them, by the command which is thence obtained over the persons and properties of the rest of the community. The main object of such governments is to carry that command to as great a height as possible.

The ancient laws of England afforded protection to the persons of the mass of the people only to a certain extent; beyond that point every thing was open to the hand of power. Manners, however, in modern times, have done more than legislation for the protection of the lower orders from outrage in their persons. The man with power does not find his gratification in offering indignity or doing harm to the person of the man without power. What he desires, with respect to him, is command over his services. But command over his services is better obtained in the indirect, than the direct way; by first taking from the man his money, and after that, with his money, purchasing his services.

The aristocracy, then, have felt but little interest in recent times in deteriorating the state of the law in regard to the protection of the persons of the people. They have shewn enough, indeed, of reluctance to part with any portion of a power capable of being abused, though now seldom turned to a wicked account, and have resisted every proposition for the improvement of the law in this respect.

In modern times, the machinery of taxation has been found the most commodious instrument for making power useful to those who hold it. The power enjoyed by a particular class, of making laws to take so much annually from the property of every man, was the power to distribute a great part of the proceeds among themselves. This is a machinery which we may conclude has every where

been worked to the utmost. But no where has the working been so prodigious as in England.

The great evil of this mode of satisfying the aristocracy with the property of the people is, that it takes from the people more than it gives to the aristocracy, and carries the oppression of the people to a much greater extent than the mere enriching of the aristocracy would require.

For taxation, pretexts are thought necessary. The people are not told that they must be taxed, because the aristocracy want more of their money. They are told that they must be taxed, because the wants of the state must be supplied. And then those wants must be turned to the best account, and exaggerated to the utmost. All the establishments of the state are pushed to the greatest extravagance which the spirit of the times will bear. Civil boards and civil officers are multiplied without end. Army and navy are kept at the highest amount, for which a pretence can possibly be invented. And colonies and distant possessions are multiplied, both because lucrative places may be made in them with profusion, and because they afford one of the best pretexts for keeping up an expensive army and navy.

It is through these establishments chiefly, that the aristocracy pocket what they do pocket of the public money. But for every pound which they get to themselves in this manner, many pounds are extorted from the people. A regiment of soldiers benefits the aristocracy only by the pocketings of a few of its highest officers: it grinds the people by the cost of the whole machine. In like manner, a ship has only a few good things for the aristocracy: a vast amount of charge and oppression to the people. A colony has several good places fit for the aristocracy: it almost always lays an enormous expense upon the nation.

No event in the annals of the human race ever enabled a government to carry expense to so extravagant a height, and so to glut the possessors of power with the property of the people, as the war waged against the French revolution. In the few years which had intervened from the termination of the war to the opening of the last parliament, patience had been demanded for the time necessary to wind up the affairs of the war. The grand spectacle during that parliament is, to see  
Sess. 1826.

the struggle that was made to keep up establishments as nearly as possible to the scale even of the late destructive war, and to prevent the reduction of expense. In the year ending the 5th of January, 1820, the year in which the late parliament began to sit, the expenses of the civil list, military establishment, civil government, and collection, amounted to 26,600,519*l*. In the year ending the 5th January, 1826, the last of which the accounts can yet be adduced, the same expenses amounted to 29,157,171*l*.

The connexion here between causes and effects, is both obvious and instructive. The state of expense—that part of the working of the machinery from which more immediately the benefit of the aristocracy proceeds—had been carried, by the aid of a most extraordinary conjunction of events, to a degree of perfection altogether unexampled, and far beyond what the most sanguine hope could have anticipated. The situation of the aristocracy was the most advantageous possible: the grand concern was, to preserve it from deterioration. It is impossible for us to follow in detail the persevering efforts which were made by Mr. Hume, occasionally aided by a few others, only to curtail this expense, to cut off a few of its more monstrous deformities. Year after year did he make his expositions; year after year, not only were they met by an overwhelming opposition, but they and their author were treated with hostility. Every species of ill usage which experience had found the most successful in driving men from the post of duty in that House, and which few men indeed have had the magnanimity to withstand, was employed against him. After a time it was found, that a man had at last appeared, upon whom the ill usage of the House had little effect. This was a great point gained. This itself constitutes a new era. This is what they call a pregnant example. The spirit of Mr. Hume will pass into others. We shall have a race of Humes.

In the monstrous expense of this government, what is to be deplored, is not so much the amount of the property of the people which goes into the pockets of the aristocracy. This the people, without any very great diminution of their happiness and prosperity, could bear. This, great as it is, considered in itself, is small compared with the expense which is



wasted upon establishments, rendered enormous, that the places which they afford to the aristocracy may be as numerous as possible. The grand practical evil of our Government is this: that they who substantially wield the powers of it, have an interest in making its establishments too great. Establishments too great are, in modern times, and under the control of modern manners, the grand instrument of oppression to the people. It is in this, more than in any other way, that governments are bad; and that one is more or less bad than another. What was it that rendered Louis the Fourteenth the scourge of France, and before his death brought that kingdom to a state of exhaustion? Read his historians. They tell you with one voice. The extravagance of his establishments, military and civil, was the cause. The effects we know. The monarchy struggled on through a few years of languor and decrepitude; and expired in violent convulsions.

Such is the history of the late parliament, with regard to one branch of the public interests—the rate at which the people pay for the services of Government. The protection of the persons and properties of the people of England, is paid for at a cost of 57,000,000*l.* per annum: of which 29,000,000*l.* is for immediate charge; 28,000,000*l.* is for interest of the debt contracted for that protection at former times reputed extraordinary. Think of the end as it really is, in its own nature. Think next of the facility of the means,—justice, police, and security from foreign invaders. And then think of the oppression practised upon the people of England under the pretext of providing them. The expenses of Queen Elizabeth's government amounted to 500,000*l.* per annum. The comparison is said to be ridiculous. Why? Our courts of justice in England cost even now but 66,000*l.* per annum. Our police costs but a trifle. And why our shores should require a single man to guard them more than in the time of Elizabeth, we shall get not one good reason from those who will use the most swaggering asseverations on the subject.

Of the great interests of the country, that which stands first in importance is the administration of justice; the perfection of the means which are employed for giving certainty and security to the rights of individuals. The means conducive to

this end are comprised under three heads: diminution, to the greatest practicable extent, of doubtfulness relating to rights; a correct and prompt solution, without burthen to the parties, of such doubts as cannot be precluded; and, as often as any infringement of a right is incurred, an effectual remedy for the evil.

There is something remarkable in the history of law. We can expect nothing else than that the benefits of law in a rude age should be very imperfectly enjoyed. First of all, little is done in an age of ignorance, for narrowing the ground of doubt with respect to rights. Such an age cannot define. A few rude marks grow into authority by custom; and things are or are not recognized as rights, according as they do or do not bear the established indications. Little as a rude age is capable of defining, it is not less incapable of separating, by abstraction, the end from the means; and forming a clear and distinct conception of each. It is incapable of taking such a view of the *end*, as to comprehend in it every thing which belongs to it; separate from it every thing which does not belong to it: and such a view of the *means*, as to distinguish the steps which are necessary from those which are not necessary; and to mark in what possible order the smallest number of steps will suffice. The people of such an age employ ill comprehended means for the attainment of an ill comprehended end. They proceed in the way which wise men of the present day call practical: they see only a bit of a thing at a time. Accordingly they have a little expedient for one bit, and another little expedient for another bit. The consequences are, a want of connexion, and mutual bearing to a common end, among their expedients; a frequent clashing and counteraction among them; and a most unnecessary multiplication and complexity; one narrow expedient being provided for one narrow purpose, and another for another; when, under a comprehensive view of means and ends together, one expedient would have been found to accomplish many purposes. Such is the mode of proceeding of a rude age in all things. There are abundant reasons why it should be such in the business of law to a remarkable degree, and should produce a more absurd and fantastical product than in any other department of human affairs.



The astonishing thing with respect to law, is, that in a concern in which improvement so deeply affected the interests of all, the barbarous product of a barbarous age should have been protected from change in almost all countries, and handed down to a late and civilized age in a state of more perfect preservation, than any other monument, not physical and indestructible, of rude antiquity. Of all countries, England stands foremost in the merit or demerit of this monstrous preservation. If any one desires to have an accurate, and as it were a living image of the mode of thinking and acting among our barbarous ancestors, he has only to look carefully into the law.

It is a remarkable case of a remarkable part of our nature, that when people have never known the time in which they were without a certain suffering, they regard it as a part of their lot, and cease to think of its removal.

That the expedients of law in England do answer their end most miserably, is proved by such astonishing results, as one would imagine could not but make an impression upon the minds of the most stupid and apathetic people on the face of the earth. Whereas justice, to entitle it to the name, ought to be administered promptly, there is enormous delay in all cases: in a large class of cases such delay as amounts to a denial of justice. Whereas justice, to entitle it to the name of justice, ought to be cheap, (for dear justice is robbing justice,) the costs of law in England are ruinous, and exclude the great body of the people from its protection. And, whereas one of the great ends of law, is to remove uncertainty from rights, the uncertainty which attends them in England is such, that of the owners of land, a small proportion only know whether they hold their property by a good title or not.

The disgraceful manner in which the legislature of England have gone on from parliament to parliament, and from age to age, leaving all the load of evil, implied in such a system of law, to press upon the community, without a thought of its removal—nay, with an almost constant opposition to every attempt for relieving them of some of the more galling portions of it—has a more immediate connexion, we think, with the intellectual state of the two houses, than the moral. Though it cannot be denied that the

leading classes have an interest, to a certain extent, in the badness of the law—for a perfect law by yielding protection to the poorest man, exempts him from the power of the rich, and an imperfect law which denies him protection, leaves him at their mercy—in England, in this case, manners have to a great degree supplied the place of law, and it is but rarely that such oppression, as it is always in the power of a rich man to perpetrate upon a poor man, is seen to take place. There is another feeling, however, to which we are inclined to attribute a considerable effect. When an aristocratical legislature, by the constant tendency of ages, have got the machinery of government into a state of working as favourable to themselves as circumstances will allow,—when of course the grand principle of their policy is to keep the working as it is, and prohibit change,—they are afraid that an alteration for the better in the law, though it could be made with many advantages to themselves, as well as to the community, might bring other changes after it which would be less agreeable. Not seeing any necessary connexion between changes in the law, and changes in that part of the working on which their advantages depend, they have yet so strongly associated the idea of the changes which they deprecate with that of change in any department of government, that it is never raised in their minds without calling up at the same instant the idea of the changes they detest, and all the horror with which it affects them. Nor is it in this shape alone that intellectual inaptitude has contributed to produce that aversion, manifested by the English legislature, to the discharge of one of its primary duties; that of relieving the community from the evils of a system of legal expedients, most wretchedly adapted to their end. The greater number of those who compose the legislative assemblies of England, are not accustomed to the business of thought and reflection at all. Beyond the sphere of ordinary talk, and a very narrow and superficial observation, they are conscious of mere mental vacuity. A comprehensive view of the great subject of law—distinguishing accurately the ends which it is destined to attain, and of the means for effecting these ends selecting the best, and combining them in the most perfect order—they find a task as little suited to their



criminal law was declared to be destitute of a secondary punishment of any efficacy; from which it followed, on the one hand, that a great many persons were punished with death, who ought not to be so punished—an atrocious barbarity; and on the other, that a much greater number, the authors of those offences which most frequently, and, by their frequency, to the greatest extent disturb the security of ordinary life, pass without a punishment, other than a name: and while, along with this disgraceful acknowledgment, the further acknowledgment was made, by the mouth of the prime minister himself, that he was ignorant of any remedy for all this evil—there was before him, and before the legislature whom he addressed, an instrument of punishment, capable of being graduated, from the least to the greatest severity, and exquisitely adapted to attain all the ends of punishment, without one exception, and with the smallest possible cost to the public—the Panopticon prison and Penitentiary House of Mr. Bentham—the nature and properties of which had been urged with perseverance upon the attention of parliament for a number of years.

The history and fate of Lord Althorp's bill for the county courts, would afford important illustrations of the turn of mind which predominates in our legislative assemblies. But, as it would require to give this history in the requisite development, a space which we cannot afford, and as we have touched upon the nature of the subject both in our former and our present volume, we shall here content ourselves with one or two very general observations.

This was one of the best aimed endeavours which had ever been made for a reform in the law—a reform, which, if it had been effected as it ought to have been, would have annihilated a great mass of the evils, with which the state of the law burthened and afflicted the community. The object was to afford a cheap mode of deciding pecuniary claims, of that moderate extent, which it was better to abandon, than incur the infamous costs, which follow a suit in the courts. It was no longer time to refuse absolutely to entertain such a project. But let any reflecting man first consider within himself, how a virtuous legislature would have acted on such an occasion;

with what cordiality it would have embraced the object; how heartily it would have exerted itself to render the proposed remedy as perfect as possible, and to give its remedial operation the greatest possible extent; next let him contemplate, not merely the total absence of any thing like a disposition to aid the author of the bill, but the chicanery which was employed against it, the processes of mutilation and deformation performed upon it, and the rejection which it finally experienced,—and we leave him to draw the conclusion.

The other proceedings of the late parliament, on the subject of law, were either of so little importance, as not to deserve particular mention, or took place during those two last years, which fall within the period of our annual Review, and have been made the subject of separate articles. The debates on the question—whether counsel should be allowed to prisoners on trial for felony, afford the only particulars on which a remark or two appear to be required.

In civil cases, in cases of high treason, and in all the less highly penal of criminal cases, the defendant is allowed the benefit of counsel, not only in questioning witnesses, and affording advice, but in addressing the jury, and making his defence. To this latter purpose he is not allowed the aid of counsel in cases of felony, although counsel are employed to address the jury against him. This is one of those gross anomalies in the law of England, at which Englishmen are not shocked, only because their law is made up of such things. The first motion for leave to bring in a bill to remove this anomaly, (for the motion was repeated before the end of the parliament,) was rejected by a majority of eighty to fifty. The mover announced that the body of lawyers was opposed to him, though two lawyers of eminence supported him. Sir John Copley (Attorney-General) was the prominent actor on the opposition side\*; and the reasons which he adduced, were those which, probably, with or without his suggestion, swayed the minds of the majority.

First of all, the number of members present, is a circumstance, the import of

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\* *Hansard's Debates*, ii. 205, April 6th, 1824.

which deserves to be well understood. The Attorney-General began his speech by declaring, "That this was indeed no light or trivial question, but one of the gravest importance." Of the House of Commons only 130 members showed by their presence that they had the smallest concern, whether this important question was determined one way or another. Four-fifths of the House were pursuing their business, or their pleasure, elsewhere. It should seem also, that "a question of no light and trivial nature, but one of the deepest and gravest importance," required, and deserved, some time for consideration; yet 80 members out of the 130 present, decided that none should be bestowed upon it. After hearing a little vague and superficial talk, the House came to a determinate conclusion on the spot.

The argument of the Attorney-General, divested of its amplifications, and enforcements, was, that the defendant would suffer more by the reply of the prosecutor's counsel, than he would gain by the speech of his own. He declared that in civil cases, the speech of the defendant's counsel, by entitling the plaintiff's counsel to speak after him, was to such a degree an evil, that it greatly vitiated that branch of the law. And he asked, whether "it was to be desired that the defect of our civil should be introduced into our criminal system."

The first remarkable thing to be noticed in this argument is, that it passes condemnation on the speeches of counsel, and declares that in all cases, both civil and penal, unless for questions of law, they are hostile to justice. In penal cases it is the best course, he says, that the counsel for the prosecution should open the case, that is, state to the jury the question which is to be tried before them; and that there should, after this, be no speech; nothing but the hearing of the evidence, and the summing up by the judge. He also says, that this, in civil cases, would be a course better adapted to the ends of justice, than that which is at present pursued. The only speech, therefore, not detrimental to justice, according to Sir John Copley, is that opening speech of the counsel, for the party defendant, in which the question to be decided, is stated to the jury. But the statement of the question to be decided is a function which ought not to be entrusted to the extemporary imperfection, or studied unfairness, of a party and his

agent. This is an essential part of the duty of the judge, to be performed, as far as possible, by a proper instrument in writing, completed, when any thing farther is necessary, by the oral exposition of the judge.

That the speeches of counsel impede the course of justice, was, at any rate, a decision which it was not right to adopt without mature deliberation. It was not a question which ought to have been decided upon the mere *ipse dixit* of the Attorney-General, in opposition to all the evidence implied in the established practice of this and all other countries. The House of Commons did decide that the speeches of counsel are a nuisance in judicature. It is the duty of the House of Commons, if any thing which concerns the public be its duty, to remove nuisances from judicature. From that time to this, has any thing been done to relieve justice of what was thus voted a nuisance by the principal branch of the legislature? From that time to this, has that same branch of the legislature any farther troubled its head about the matter, than to reject the same motion, in the same manner, when brought forward once more by the same author?

One thing, at any rate, few will dare to dispute—that if speeches of counsel be good for justice, all cases ought to have the benefit of them; if bad, all ought to be delivered from them. The Parliament of England takes a course entirely its own. Till it can make up its mind upon the matter, it divides the field of law into two portions—not very equal ones, it is true—in the one of which it gives the use of speeches, as if they were good; in the other, denies the use of them, as if they were evil.

In the cases, however, in which we say, that it gives the use of speeches, we ought to say, that it gives a mutilated, lop-sided, unfair, and partial, use of them. It gives the full use to the plaintiff's side; the garbled use to the defendant's side. Not only two speeches are given to the plaintiff's side, while one singly is allowed to the defendant's side, but the plaintiff is allowed the benefit both of the first word and the last; the consequences of which are important. According to the Attorney-General, it is the last speech which decides the question. He did not indeed say, that it does so always, nor did he say how often. But unless it does so in



a great proportion of cases, his argument, that the speech of defendant's counsel would do him harm, because it would allow the prosecutor's counsel to speak after him, was nothing to the purpose.

Because none but a lop-sided use of speeches was given by English law, in other cases, the Attorney-General concluded, with true lawyer's logic, that none but a lop-sided use could be given, if given at all, in cases of felony. Nobody asked—yet it was not a very recondite question—Why a lop-sided use of speeches in this case? If the counsel of the prosecutor has made his speech to support, and the counsel of the defendant has made his speech to invalidate the charge, why not do one of two things—either stop the speeches there; or, if the plaintiff's counsel be allowed a second speech, allow a second to the defendant's counsel also? There would be fair dealing in this. In the existing course there is the reverse.

If it be asked, how in our courts of justice, plaintiffs came to have so many indulgences, the answer presents itself immediately—The plaintiff was the customer. No wonder if it was thought right to give him encouragement. It was given to him to some purpose. The Attorney-General declared, that "the odds were *always* in favour of the plaintiff."

On the great, the master subject—the right composition of the legislature—no proposition was discussed in the last parliament, which, even if carried, would have altered the relative state of the private and public interest in the House of Commons—would have given to the public interest that ascendancy which the private has hitherto enjoyed.

Two schemes of reform were proposed, one by Mr. Lambton, and one by Lord John Russell; and on the last there were four debates in four different years. There was, besides, the disfranchisement of Grampound.

The main provisions of Mr. Lambton's bill were three.—1. Instead of the present election by cities and boroughs, which was to be annulled, election districts were to be formed all over England, in each of which one member was to be chosen; and all householders paying rates and taxes were to have the right of voting. 2. The representation of the counties was not to be altered, farther than by admitting leaseholders and copyholders to the right of

suffrage. 3. The duration of parliaments was to be reduced to 3 from 7 years.

The plan of Lord John Russell was shortly this: to take from one hundred of the smallest boroughs sending two members, the power of sending more than one; and to supply this defalcation, by one hundred additional members for the counties and great towns, in the proportion of 60 for the counties, and 40 for the towns.

The principle of sound decision on this great question, is obvious. Government is founded upon the necessity there is of preventing one man from promoting his own interest, at the expense of other men's. That men will do so, is not matter of doubt, it is matter of experience. The propensity is not confined to a few men out of many; to this class, and not to another. It is so nearly universal, that all our conclusions, with respect to men in bodies, are correct only in so far as they are grounded upon this experience.

The real object to be aimed at in the composition of a legislature, is to prevent the predominance of the interest of any individual, or of any class; because, if such interest predominates, the very principle on which government is founded implies, that it will be promoted at the expense of the community.

In the former part of this article, we have seen, that, in the composition of the English legislature, the predominance of the aristocracy is so complete, that whatever they wish to do, they always have it in their power to do—whatever they wish to prevent, they always have it in their power to prevent; that, by the bearing and impulsion of an aristocratical legislature for ages, in one direction, the working of the machinery has been rendered as favourable as possible to the predominant interest; and that, now, they who are in this interest have little else to do than to prevent alterations.

It follows, with the force of demonstration, from these unquestionable premises, that no change can, directly, be any improvement whatsoever in the British legislature, which does not substitute the predominance of the general interest to the existing predominance of a particular interest; and that no change can, even indirectly, be of any advantage, but such a change as leads to that substitution.

It is evident at the first glance, that the plan of Lord John Russell would detract nothing from the power of the aristocracy, who would nominate just as many members, after such a change, as before it. The chance is, that they would nominate more. The sixty members given to the counties would be theirs, without the smallest trouble, because the counties are theirs already. And can any body doubt, that of the remaining forty they would have their usual share? We deem it unnecessary to enter into farther development of the case, because we cannot conceive a man who will dispute our conclusion.

With respect to Mr. Lambton's proposition, we think it may not less certainly be determined, that it would not diminish, but increase the power of nomination, in the hands of the aristocracy. The only part of his plan which requires consideration is the first—the constitution of election districts, in lieu of the boroughs; for, that the annexation of leaseholders and copyholders to voters in the counties, would lessen the influence of the aristocracy in the counties, it would be ridiculous to imagine.

Now, the immediate effect of making election districts, in lieu of the boroughs and towns, would be, to add in each instance, a portion of the agricultural population to the town population. The agricultural population, the landed interest would command wholly; this would, therefore, be just so much added to that command over the town population which the aristocracy already possess. It may be said, that Mr. Lambton's plan gives a great extension of suffrage in the districts. But, besides that the suffrage in many of the towns and boroughs is already not much less extensive, it may be affirmed generally, that giving the suffrage to a more indigent class of people, without the safe-guard of the ballot, is only to place the election more completely in the hands of the powerful classes. And, with respect to the diminution of the time of parliaments, so long as a majority of members are nominated by a particular interest, what signifies diminution of time? If the same interest always predominates, will it not work as steadily in its own favor when the farce of election is performed every year, as when it is performed only once in seven years?

But, though a reform which would substitute the prevalence of the general interest to that of a particular interest in the legislature is the only reform which can *directly* be of the smallest advantage—it can hardly be affirmed of any change, which would not produce confusion, that it would not *indirectly* be of advantage; by leading the people to reflect more keenly upon the ends which are to be attained, and the means adapted to their attainment; by lessening the fanatical attachment to wrong combinations of means, venerable solely because they have long existed; by accustoming even the aristocracy themselves to perceive, that by such a change in the composition of the legislature as would give in it that ascendancy to the public interest, without which good government would be the most absurd of all expectations, they would lose nothing but that which they ought not to desire to retain; and would receive all the advantages of good government—advantages of unspeakable importance—in return.

All that remains to be remarked respecting these propositions is, the mode in which they were entertained by the House. As the ascendant interest would not have been injured by the direct operation of the changes, even if effected, the hostility of those who share in that interest is to be accounted for wholly by the indirect operation, of which they must have formed a very high estimate, unless we suppose them so ignorant as not to understand the nature of the propositions, and to have had fears on account of the direct operation itself.

Mr. Lambton began the speech by which he introduced his motion, with the following account of the feelings of the House\*.

"If at all times, and upon all subjects, I must be most unwilling to trespass on the attention of the House, on no occasion can I be more reluctant than on the present; and I can assure you that nothing but a deep sense of public duty, and an anxious desire to put an end to that spirit of discontent now so generally prevailing, would have induced me to take up a question, the great and important interests of which I feel that I am not competent adequately to protect. In the first place,

\* *Hansard's Debates*, v. 350.



"I know that I have to contend against  
 "that disinclination which has inva-  
 "riably been shewn by this House to-  
 "wards its discussion; a disinclination  
 "founded possibly on that dislike, which  
 "is inherent in all men and bodies of  
 "men, to hear accusations against them-  
 "selves, and statements of faults and  
 "corruption openly laid to their charge.  
 "If I wanted any evidence in support of  
 "this assertion—this well-known truth—  
 "I should undoubtedly find it in the  
 "state of the benches opposite to me.  
 "Perhaps, indeed, I should be justified  
 "in taking advantage of it, and at once  
 "submitting my motion to the vote.  
 "The result of that division clearly  
 "would be its adoption, for it requires  
 "no great discernment to perceive that at  
 "this moment the majority is greatly on  
 "the side of the friends of reform. But,  
 "Sir, I will not be tempted into this ir-  
 "regularity. If this scantiness of atten-  
 "dance is meant as an insult to myself,  
 "I treat it with contempt;—if it is  
 "pointed at the question, I then repel it  
 "with feelings of deep indignation; and  
 "can only hope that it will not be lost  
 "on the people of England." And to-  
 "wards the end of his speech, describing  
 "the treatment, which the applications of  
 "the people, for such a change in the com-  
 "position of the legislature, as would  
 "afford protection to their interests, were  
 "accustomed to receive from the majority  
 "of the House, he says—"They obsti-  
 "nately exclude the petitions of the pre-  
 "sent day. They heap on them every  
 "term of reproach which the ingenuity  
 "of wit, or the bitterness of sarcasm, as  
 "administered by the right honourable  
 "member for Liverpool (Mr. Canning),  
 "can supply. And then they express  
 "astonishment and alarm at the feelings  
 "which they hear repeated and re-echoed  
 "on all sides. To repress these, innum-  
 "erable acts of restraints and coercion  
 "have been proposed by them; and, of  
 "course, adopted by parliament."

The speakers after Mr. Lambton were,  
 Mr. Samuel Whitbread, Mr. Wilmot,  
 Mr. John Cam Hobhouse, Mr. Horace  
 Twiss, Sir Robert Wilson, Mr. Aber-  
 crombie, Mr. Fysche Palmer, Mr. Stuart  
 Wortley, Lord Bury, Mr. Martin, (of  
 Galway,) Lord Milton, Mr. W. Williams,  
 Mr. Honynwood, on the first night, (for  
 the discussion was adjourned); and on the  
 second, Mr. Wyvill, Mr. Sykes, Capt.  
 SESS. 1826.

Maberly, Mr. Ramsden, Mr. Harbord,  
 Mr. Ricardo, Mr. D. Brown, Sir G.  
 Robinson, Mr. T. Wilson, and the Chan-  
 cellor of the Exchequer.

These names are given for the sake of  
 the evidence with which the list of them  
 is fraught: though it is evidence only to  
 a point of sufficient notoriety—the feelings  
 of the House towards parliamentary re-  
 form. The question was decided by less  
 than one hundred members: Ayes 43;  
 Noes 55.

Of the allegations opposed to the mo-  
 tion by the Chancellor of the Exchequer\*,  
 the only one which bore upon the general  
 question, in such a manner as to deserve  
 remark, was this:—That public opinion  
 governs the House. This seems to have  
 become a pretty general resource with  
 the enemies of reform. They know not  
 the corollaries which are logically de-  
 ducible from it. But they cannot be ig-  
 norant, it is not conceivable they should  
 be ignorant, that what is thus asserted by  
 them is not according to the fact. That pub-  
 lic opinion is not without some influence  
 upon the House of Commons, is true.  
 It is not less true, that public opinion has  
 an influence, and a great influence, upon  
 the most despotic and barbarous govern-  
 ments on the face of the earth. Would  
 it not be shameful to infer from this, that  
 such governments are good governments?  
 Where the powers of Government are  
 wielded, as in England, by a particular in-  
 terest, it must of course observe public  
 opinion; it must study the arts of mis-  
 leading and eluding, and, for the purpose  
 of eluding, must occasionally obey, it;  
 though generally, and on all important  
 occasions, it may and does with security  
 brave it. That the House of Commons  
 is so governed by public opinion, as to  
 prevent the interest of the public from  
 being habitually sacrificed to the interest  
 of the class which predominates in it, we  
 should imagine is a proposition which no  
 man in his senses would stand forth and  
 affirm. Because, if public opinion be  
 all-powerful to secure good government,  
 what need have we of a House of Com-  
 mons at all? Would not a House of  
 Lords answer our purpose as well? Nay,  
 since it is matter of notorious certainty,  
 that the king's ministers are far more de-  
 pendent upon public opinion, than either  
 House of Lords or House of Commons,

\* Hansard's Debates, v. 451.

does it not follow from this doctrine, that the nation would be better governed if both House of Lords and House of Commons were put out of existence? Still farther, is it not clear, that, from the superior force with which public opinion does act upon the ministry, a revolution has taken place in the working of the Constitution? Formerly, the House of Commons was regarded as the check upon the king's ministers. Now, it is evident to all the world that the king's ministers are the check upon the House of Commons. And when the House has the appearance of being checked by public opinion, it is not in reality the House that is checked, but the ministers that are checked, and carry the House, by means which are no secret, along with them.—But the operation, present and future, of public opinion in the government of England, and the utter impossibility of its sufficing for good government against the established predominance of a sinister interest in the legislature, are important topics, the development of which cannot be undertaken in so limited a plan as that which at present we propose to execute.

On the first occasion on which Lord John Russell brought forward his scheme of reform (the 9th of May, 1821\*,) the speaking was left to himself; for, after a few words from Mr. Whitmore, who seconded his motion, the Parliamentary History says, "there was a loud cry of, 'Strangers withdraw!'" and after a very few words from Mr. Bathurst, and Mr. Barham, the House divided on the previous question: Ayes, 124; Noes, 155. The second occasion on which he introduced it was the 25th of April, 1822†, when the speakers, after himself, were, Mr. Horace Twiss, Lord Folkestone, Mr. Duncombe, Mr. Wynn, Mr. Robinson, Mr. Canning, Mr. Denman, Mr. Peel; and the division was 164 to 269. The third time was the 24th of April, 1823‡, when, beside the mover, the speakers were, Lord Normanby, Sir Edward Hyde East, Mr. Ricardo, Mr. Martin, (of Galway,) Sir John Newport, Sir T. Lethbridge, Sir F. Blake; and the House divided, Ayes, 169; Noes, 280. The fourth and last time was on the 27th of April, 1826||, that

is, a few weeks before the general election. The speakers on that occasion were, the Mover, Lord Althorp, Mr. J. E. Denison, Mr. Ross, Lord Glenorchy, Mr. Hobhouse, Lord Leveson Gower, Mr. W. Lamb; and the motion was negatived by a majority of 247 to 123.

One fact there is which cannot fail to excite the curiosity of many persons, the wonder of some, and the reflections of not a few. On all these discussions, on the vital question of parliamentary reform, the great Whig organs in the House were silent. Mr. Lambton, and Lord John Russell, men of great weight in their party, were left to fight, each his own battle, alone, or with some feeble support which chance alone seems to have presented them. This is extraordinary, surely. We must be curious about its meaning. Mr. Brougham was not present at the discussion of Mr. Lambton's plan; Sir James Mackintosh and Mr. Tierney were. And these three leaders were all present at three at least of the discussions on Lord John Russell's proposition. Their motives can only be conjectured. Did they not like to stake their reputations on inefficient reforms, which went to make change, without improvement? And did they not like to declare themselves for any such reform as *would* have been an improvement? The existence of such motives can easily be conjectured. But it is not easy to conceive, that such men should not have made the calculation how much it must affect the reputation of themselves individually, and of the party they lead, if a parliament of seven years should begin and end, without their having once unlocked their lips on the subject of Parliamentary Reform. Mr. Canning, with his accustomed alacrity of attack, presented them something to do. How does it happen that none of them has ever chosen to grapple with Mr. Canning on the ground of Parliamentary Reform?

Sir Francis Burdett was present, not at the discussion on Mr. Lambton's motion, but at three at least of the discussions on three several motions of Lord John Russell. Why had he not a word to say for his own "good old cause?" Mr. Hobhouse made a speech on Mr. Lambton's motion: from that time the example or precept, or both, of his leader, seems to have been fatal to him, and they were mute together, till the last debate,—that immediately preceding the general elec-

\* Hansard's Debates, v. 604.

† *Ib.* vii. 51.

‡ *Ib.* viii. 1260.

|| *Ante*, p. 576.



tion, when it must be allowed that the speech made by Mr. Hobhouse was a good one, by far the best that was delivered on the occasion. Are we to suppose, that the creed of Sir F. Burdett has been retrograde on the subject of parliamentary reform? Would he like to tread back some of the steps which he has taken? to disclaim some of the measures which he has recommended? If so, his abstinence from speech would not be unnatural, though it would not be very manly. Not unnatural; because recanting is not a very pleasant operation at best; and, besides, recanting, what has he to recommend him to the people of Westminster? Not manly, because, if he has changed his opinion, nothing is manly but declaring that he has done so. To shut one's mouth, and say nothing, is only a milder sort of hypocrisy, than continuing to profess the same opinions, while one feels and acts as their opponent. If Sir Francis Burdett has sat for seven years in parliament without so much as uttering a sentence in favour of parliamentary reform, though all his opinions remain unaltered on that subject, we profess that his conduct is to us inexplicable. To be in earnest about opinions of vast importance, and to make exertions for giving them effect, appears to us to be not two things, but one and the same thing.

So much importance is attached to the exquisite fencing of Mr. Canning in defence of the predominance of the predominating interest in the House of Commons, and so much sport is afforded by the stabs and slashes which he deals to those who draw their weapon against his *protégé*, that we cannot refrain from noticing the present performance\*; though it would require much more space than we can afford, to shew at large the disproportion of the means to the end. "If Troy could have been defended, it would have been defended by this right hand;" but the best of hands cannot perform impossibilities.

At an early age, Mr. Canning proclaimed himself the champion of the power of the aristocracy; and sedulously and successfully did he cultivate the talents which were best adapted to the task he had undertaken. As a man of ambition, he chose his walk with skill. By what other career could he have at-

tained the power and consequence to which he has ascended? This is one of the evils attached to the predominance of a particular interest in the legislature. The rewards it has to bestow, pervert, and draw off, from the service of the whole to the service of a part, some of the finest spirits which the country breeds. To how many, alas! the rebuke of Goldsmith to Edmund Burke, his friend, must continue applicable, so long as this state of the legislature endures?

— "Good Edmund, whose genius was such,  
We scarcely can praise it or blame it too much;  
Who, born for the universe, narrowed his mind,  
And to Party gave up what was meant for  
mankind.  
Though fraught with all learning, yet straining  
his throat,  
To persuade Tommy Townsend to give him a  
vote."

The evil is in the system; the men are the victims; and towards them, personally, our censure ought to be gentle, our regret sincere.

One thing remarkable on this occasion is, that Mr. Canning renounced entirely the tone of mockery and insult, which he had been accustomed to use towards the people, as often as a man was found who dared to stand up in the House, and meet the discharge of hostile feeling, which was sure to accompany the proposal of any such change as implied protection to the interests of the people. It is possible he had begun to see that, however entertaining this might be to an assembly of aristocrats, the time was come when it did very little good to their cause. It is also probable that he had become ashamed of so mean an exercise of his talent. When the people of Athens were applauding somebody for a panegyric of themselves, just delivered, Socrates asked the triumphant orator, "where the difficulty was, applauding the Athenian people, to be applauded by them? Get applause from the Spartans, (said he,) by eulogizing the Athenians, and I too shall acknowledge the power of your rhetoric." When an assembly of aristocrats, possessing all the powers of government, are intruded upon by somebody, demanding on behalf of the powerless part of the community, a participation in those powers; where, indeed, is the difficulty of making such an assembly merry at the expense of so disagreeable an applicant? No jest, however poor, which will not on such an occasion be

\* *Hansard's Debates*, vii. 106.

successful; no expression of contempt, however vulgar, provided only it is strong enough, which will not be felt as a stroke of genius. Our great dramatist told us truly, "that the prosperity of a jest lies 'in the favour of him that hears it.'" If Martin Luther, the monk, had appeared before an assembly of Leo and his cardinals, demanding the reform of the church in its head, and its members, what sport it would have yielded them to see him mocked, and evil entreated, and turned out, by the attendants. The lowest buffoon, in his holiness's kitchen, would have exercised wit upon him, oral, manual, or pedal, with triumphant success.

All this while would there have been any thing really ridiculous and contemptible in the great Reformer? No: there would have been nothing really ridiculous and contemptible, but in the pope, his cardinals, and the buffoon.

The speech of Mr. Canning, on this occasion, consisted of two parts. In the first, he made his objections to the plans of Lord John Russell and Mr. Lambton. In the second, he made his usual display against reform itself. In the first part, it was an easy task, to shew, as he did, the futility of the plans which had been just recommended; and that, being alterations the effect of which would be nothing, they deserved rejection, on the part both of the friends, and the enemies of reform. In the second part—the attack upon reform in the abstract—there is mighty little matter, but that little exceedingly well managed.

In beginning the first part of his speech, he availed himself dexterously of an admission of his opponent, who, stating that public opinion had acquired a great influence on the House, proceeded to say, that a greater obedience to the popular voice would not be beneficial; and called to witness the revolution, at which time, if parliament had not disregarded the public voice, the Stuarts, he alleged, would not have been excluded from the throne. The suggestion was not thrown away upon Mr. Canning. The game of the aristocracy was placed on both sides. Two things were assumed: the first, that a House of Commons, which will resist public opinion as often as public opinion is wrong, is absolutely necessary; the second, that a House of Commons, so constituted as to prevent the aristocratical interest from

predominating in it over the general interest, would be obedient to public opinion, even when wrong.

That a House of Commons ought to be so constituted as not to follow public opinion, when wrong, no one will deny; but they who urge the obedience of the House of Commons to public opinion, as a reason against reform, are in a dilemma. A House of Commons which can resist public opinion, when wrong, can resist it also, when right. The present House of Commons, they say, is admirably constituted for resisting. In that House, the interest of a particular class, predominates wholly over that of the community. It follows, from the present admission, that it has the power of resisting the public voice in favour of that interest. If so, the very principle on which government is founded, assures us that it habitually will. Bitter experience shews us, that it habitually does.

The second assumption is wholly unfounded. It is clear to reason, that a House of Commons, so constituted, as to give in it the predominance to the general interest over all particular interests, would not follow public opinion, when wrong; that it would be much less likely to follow public opinion, when wrong, than the present House; and that it would have such motives and such means to guide public opinion right, that no impulse of public opinion, wrong to any considerable degree, would, under such a House of Commons, be an event to be imagined, much less to be feared. The interest of such a House of Commons, would be the general interest. If the public voice ran counter to the general interest, would not such a House of Commons have all the motives to oppose it, which ever can be in a house—its opposition to the interest of those who compose it? The difference between the two cases turns upon a single point; but that is all in all. In the supposed house, the general interest would predominate; in the present house, it is wholly subordinate. The one house would have motives to use its power of resistance to the public voice, in favour of the general interest solely. The other has motives to use it in favour of the particular, to the detriment of the public interest.

When Mr. Canning comes to debate



the question of parliamentary reform in general, he is provided with what Lord Normanby\*, in seconding Lord John Russell's motion the following year, denominated very aptly "the stock declamation of the cause; the excellence of the government as it is; and the danger of change:" and, rich in this treasure, he goes in quest of nothing farther.

Of all the arts of the orator none is of more importance to him, than the art of insinuation. Of all the orators of the present day, perhaps of modern times, Mr. Canning is the man who has carried the art of insinuation to the greatest perfection. No man approaches to him in the command over forms of expression, which deliver in the oblique, whatever it would be less convenient to deliver in the direct way.

Of the things which it is much more convenient to deliver by insinuation than directly, are—propositions insipid from their triteness—and propositions which will not bear examination, though accustomed to be received without it. If Mr. Canning were to affirm twenty times in one speech—"The constitution is excellent; Alteration is dangerous,—without so much as attempting to offer any proof of his standing assumptions—not only would he produce no effect—except of weariness and disgust—but he would inevitably provoke the question, what evidence have we on which to rest our belief that these propositions are true? On the other hand, when, carefully avoiding any broad affirmation of his two indispensable postulates, Mr. Canning dexterously contrives to insinuate them twenty times in twenty different ways, and makes up a speech of these insinuations, and of nothing else; he produces a great effect, is supposed to have made, as he really has made, a very ingenious and brilliant display; and, what is of most importance, suggests no question as to the evidence of assumptions of which so extraordinary a use has been made.

It is necessary that we should shew the mode of putting the two propositions, which are the bulwarks of anti-reform, a little to the test.

*The government is excellent.* If by excellent, here, is only meant existent, nobody will deny the affirmation. The English government is what it is, most

assuredly. If by the same phrase is meant, that the English government is better than a worse government—this may be affirmed of every government in the abstract, and in the concrete of all except one. If it is meant that the English government is better now than it was at some former time, this also may be true; and still it may be very bad. If it is meant that it is better than any other government whatsoever, this is rather a bold thing to assume; but grant it, and still it may be true that the English government is thoroughly worthless.

In giving a meaning to this thoroughly unmeaning word, the only thing to the purpose would be—to shew that the English government is a combination of means well adapted to the end of government—namely, the equal and perfect protection of all the members of the community at the smallest possible expense. *A priori*, and looking at the end and the means, in their own nature, Mr. Canning seems to allow, that really nobody could take upon him to say, that the one is well adapted to the other. Nevertheless, he says, it so turns out, in fact—God knows how—that these means, ugly as they do look, still accomplish the end surprisingly well. The way in which he proceeds to make people believe him is admirable.

We felt the strongest desire to produce a collection of Mr. Canning's modes of expression on this occasion, and to shew their exquisite contrivance for making what is poor and trivial appear ingenious and strong. But we perceive to our regret, that the space which we are allowed to occupy, will by no means permit the attempt.

He affirms that under the English government, the English people have not only continued a people, but have been a happy and prosperous people. *Ergo*, he cries, the English government is an excellent government.

That the English people have continued a people is true. It is a dreadful government that suffices to destroy a people. This is too much for the government of Algiers itself. But the English people have been happy and prosperous. Have they so? And where is the people who have not been happy and prosperous? Is there no happiness and prosperity at Algiers? If we are told, as we shall be, that there is not so much at Algiers as in England, we desire to know what stand-

\* *Hamard's Debates*, viii, 1873.

ard is given us by which to judge. As it is not every degree of what may be called happiness and prosperity in a country which proves its government to be good, what degree are we to take, as the proof? Till you have settled that point, you talk in vain by repeating the word "prosperity." The prosperity you speak of may or may not be a proof of good government.

If they tell us, which they do, though not directly, yet by fifty modes of insinuation, that the prosperity of England is exactly the degree of prosperity which proves a government to be good; what is this but asking us to believe the government of England to be good upon their simple word? All we have to say to this is, that we will not take their word. The Grand Turk gives his people his word, and all his instruments give them their's, that they are the only happy people on earth, and his the only excellent government.

This hack pretension, which has served the purposes of mis-government for so many ages, deserves to be looked at in another point of view. The English people are the most laborious, the most enterprising, the most ingenious; in one word, the most productive people, in the world. The people of England have laboured,—the people of England have invented,—the people of England have produced,—the people of England have been saving, and have gradually accumulated the wealth, which, in this argument, is called the prosperity of England. Because the government of England has not been so execrably bad, as to take from the vast produce created annually by the people of England, so much as absolutely to prevent accumulation, though it has taken more than ever was taken by government, elsewhere, on the face of the earth, we are called upon to swallow this monstrous proposition—that what the people of England have done for themselves, their government has done for them. That produce, which is the work of the people's own hands; that produce which, but for what the government has so excessively diminished, would have been many times greater, the people are commanded, and in terms not very mild, to believe, has all been created for them by the government—for what reason, trow ye? For this sole reason, that it has not all been annihilated by it.

Because the energy of the people, to better themselves, has not been absolutely baffled, and borne down, rendered of none effect, by the badness of the government; they are told that the working of the government, how little soever any one, from its composition, would conjecture it, is nevertheless admirable; and they (the people) ought to go on supposing, as hitherto they have done, that whatever the government does not take away from them, it is the government which gives.

We come now to the second bulwark of anti-reform, the affirmation always given with greatest effect by insinuation—that *there is vast danger in change.*

This pretence is now so generally seen through, that we shall not think it necessary to waste words on it.

What the people of England want, is, such a mode of placing members in the House of Commons, as will prevent the predominance in it of any particular interest, and render predominant the common—the general interest. Why should this produce any evil? Why should it produce any thing but good?

When the aristocracy of England proclaim, that making such a change will produce terrific evils, they are either not sincere, or their words have this, and can have but this meaning,—that they, the aristocracy, will make a civil war, rather than give up those powers of misrule, which they are now in possession of. And if they do make a civil war, there is no doubt that they will create evil in abundance; but it will be evil, of which they themselves will be the authors, and the sole authors. The people, however, need not count the cost of a civil war, as the price to be paid for obtaining the predominance of the common interest, instead of the predominance of a particular interest, in the legislature of their country. The aristocracy of England will have wisdom sufficient to avoid that extremity. The voice of the nation, growing louder and stronger, "will," as Earl Grey on one occasion very happily expressed it, "in time work upon the prudence of the House;" and the requisite change will take place, with advantage to all, and evil to none; such only excepted as the very good which is aimed at implies—the loss of the profits of misrule, to those who had previously, and worthlessly, enjoyed them.

In these debates on Parliamentary re-



form, the speech of Mr. Canning, and the silence of the whig and radical leaders, were not the only memorable events. The accession to the cause of reform was then manifested, of three remarkable men—Lord Milton, Lord Folkestone, and Lord Normanby; of which noble lords the two former had the manhood to avow an entire change of opinion on the subject; and of the two, Lord Milton, at least, on more than one occasion, has shewn that he not only recognized a defect in the composition of the legislature, but knew the very nature and kind of the defect. Of all these events, the most intrinsically important was, the speech of Mr. Ricardo \*, on the third of the discussions on Lord John Russell's plan of reform. That speech went simply, and modestly, but manfully, to the point. Mr. Ricardo declared, that other things might admit of various modifications, but, to render that House an instrument of good government, two things were of indispensable necessity;—annual elections—and such a mode of voting as would make the vote of each elector his own;—the reverse of such a mode as renders the elector a mere conduit-pipe for the vote of another man, who, through hope of good, or dread of evil, commands him.

We must add something on the disfranchisement of Grampond; but many words, after what has preceded, will not be required.

A display of virtue, which costs nothing; an occasion for catching at the reputation of purity, without the loss of an atom of the delights of impurity, is a god-send to an old profligate.

With the exception of a number, comparatively very small, of towns in which the choice of the people does predominate, members are sent to the House of Commons, either by the influence of great men, who, singly, or in combinations, have established a permanent influence over the electors; or, by men of wealth, who, in those places, where no great men have established a permanent influence, find the means of establishing a temporary influence, and obtain their own return, on this or that particular occasion.—Permanent influence; or temporary influence—such are the sets of means in these two sets of cases.

Now this thing, called, in these several cases, influence, what is it? By the answer to this question, the obscurity which involves the subject, will be pretty completely dispelled. The answer too is obvious and certain. Money, or money's worth, is the motive principle in every instance. Ingenuity will torture itself in vain to give it the look of any thing else. What is the permanent influence of the great man over the occupier of his land in the country, or the occupier of his house in the town? The prospect of retaining a good thing, or the fear of losing it. And this good thing, in what way is it good, but the pecuniary way? What is the temporary influence of the man who gets a majority of the electors at a particular place to vote for him at a particular election? The benefit they expect to derive from him. That benefit takes various shapes; it is sometimes government patronage, sometimes East India patronage, sometimes the pocket of the candidate. In all cases it is money, either directly, or indirectly.

The motive of the man who receives money indirectly, and the motive of the man who receives it directly, is precisely the same. The motive of the man who gives money indirectly, and that of the man who gives it directly, is also precisely the same. The man who gets into parliament by the money given directly, and the man who gets into it by the money given indirectly, are in the same situation precisely, with respect to the motives for doing or betraying their duty to their country. The two cases, therefore, differ in nothing but the name. In no other department of human intercourse are they permitted to differ even in name. The judge who should take money indirectly, would be universally regarded as bribed just as effectually, and to the full as infamously, as if he took the money in his hand.

Why are they made to differ in name, and made to be thought different in nature, when a member of parliament is to be elected? Because it is the interest of the aristocracy that they should be so; and because the aristocracy have the power, to a great extent, of making what shall be the morality of the country; making it to serve their own turns.

The places in which the permanent influence is established, are all secured for

\* *Hansard's Debates*, viii. 1279.

the aristocratical interest; the places still open to a temporary influence, are the places not securely within the grasp of the aristocracy; and though, of the wealthy men who procure their election by the temporary influence, the greater number are sure to range themselves under the aristocratical banners, there are some who do otherwise, and a greater number who always may. It is thus evidently the interest of the aristocracy that, in the field of influence, the temporary part should be narrowed, and the permanent enlarged. This is the effect, and the only effect, of such a proceeding as the disfranchisement of Grampound. When Grampound was to be had for money, a competition among rich men decided the election, and the man returned might act with the aristocracy or against them. When the choice was given to Yorkshire, in which the aristocratical and permanent influence is established; or, even when the choice is extended to the surrounding hundreds, in which an agricultural population, dependent on the class of landholders, predominates—the sphere of the permanent aristocratical influence is enlarged.

Making influence, by money given directly, is rarely convenient to the aristocracy. It is the instrument of their competitors. It is that whereby interlopers encroach upon their monopoly. It is their interest, therefore, to decry it; and the power they have hitherto exercised over public opinion is signally manifested by their success.

They began, very wisely, with the potent machinery of names. They bestowed a bad name on the mode in which the pecuniary motive is applied by their opponents—the direct mode; a good name on the mode in which it is applied by themselves—the indirect mode. The first they called “Bribery.” The second they called “Legitimate influence of Property.” The effect of these names has been surprising, under the advantages with which the aristocracy have worked them. The one they loaded with every term of abuse: on the other they bestowed every epithet of praise. “Bribery” was abominable, execrable. The “legitimate influence of property” was every thing which was good. “The legitimate influence of property” was pure. “Bribery” was impure. These two words, *pure* and *impure*, were of singular value.

“Bribing” was not merely *impure*, it was *impurity* itself. It was that which made an election *impure*, and an *impure* election was a dreadful thing. *Impurity* of election was the source of all political evil. On *purity* of election, alias, “legitimate influence of property,” the liberties of England—those blessed, thrice blessed things—absolutely and entirely depended.

Incredible was the language of ignorance, or of imposture, held upon the said purity and impurity, in the discussions regarding this glorious specimen of legislative virtue—the disfranchisement of Grampound. In the meantime it is demonstratively, almost intuitively certain, that, if the public interest be the object in view, influence in the direct mode is the least objectionable of the two. If at each election the whole of the 600 and odd seats in the house were set up to sale, and knocked down to the highest bidder, the advantage in favour of good government would not be inconsiderable. We should then have what, if we use the language of the aristocracy, we should call a very impure election; but we should have a much purer legislature.

After the great points of national interest involved in the subjects we have been thus considering, we know nothing, brought before the last parliament, of greater importance, and nothing, the mode of dealing with which affords more perfect evidence of its nature and disposition, than the scheme proposed by Mr. Brougham, in one of its early sessions, for the education of the people. We can afford to bestow upon it only a few words; but these will suffice to renew the memory of the transaction. Mr. Brougham; whose merits on the subject of education his country can never estimate too highly, and who thereby has redeemed many of the sins he commits by his connexion with a party, in whose trammels, had he known the true interest of his own glory, he never would have consented to draw; was obliged, in order to afford himself a chance of carrying his measure in parliament, to grant so large a power to the established clergy in the management of the parochial schools, as alarmed the dissenters, and, from dread of unpopularity with the dissenters, detached the leading men of his own party from his support. We shall always regret, that he was thus compelled



to let a measure drop, which, though it came short of the perfection which, had he been at liberty, he doubtless would have bestowed upon it, would still have been a powerful instrument of improvement among the people. A legislature, in which the general interest predominated, would not, when a scheme, thus important to the public weal, failed, from peculiar circumstances, in the hands of an individual, have allowed it to sink and be lost. The only feeling natural to an aristocratical legislature on the occasion, was a feeling of pleasure at getting rid of so disagreeable a business.

Of the other subjects which came before the last parliament, as the most important, the Corn Laws, Ireland, Negro Slavery, Colonial Trade, and others, have been included in the business of the last two sessions, and been treated of in separate dissertations in our volumes of the last and present year, little remains on any of them, to be either explained or enforced in this general sketch.

In relation to commerce, the thing of principal importance to remark is, the extraordinary change from the policy of restriction to the policy of freedom; from the policy of discouraging, in many cases prohibiting, the supply of certain commodities from our neighbours, to the policy of receiving our supply from the places from which it is obtained at the cheapest rate; from the policy of trying to keep from our neighbours the use of our inventions, to the policy of allowing individuals to consult their own interests under the direction of their own judgment. In this, we have an exemplification of the fact to which we adverted in an early part of this dissertation, and of which the effects would require a more ample development than we can here afford, that the ministers are far more sensible to the action of public opinion than the parliament. The instructed and disinterested part of the public, had, for a considerable time, spoken a strong language on the subject of freedom of trade. This reached, at last, and bore along with it, the minds of ministers. They introduced into parliament, cautiously and timidly, a few measures in the spirit of this policy; but there they found it still required all their influence to overcome the ancient bias in a set of minds, on which the opinion of the rational part of the public had produced no impression

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whatsoever. What the ministers have yet accomplished, is small, in comparison of what remains to be done; and all their proceedings—witness the timber trade—have not been in the right direction: but they have proclaimed the principle of freedom, as the principle of true policy; and this itself, is a great step in advance.

One question, relating to Ireland, belongs peculiarly to this general sketch. What was the state of Ireland at the beginning of the last parliament, and what was it at the end? The state of it at the end, was not better, certainly, than it was at the beginning. And the state of it, during the whole time, as well as for a long preceding time, was so bad, that no pen can convey an adequate idea of it.

What is the meaning of this? The evils of Ireland are not absolutely incapable of a remedy. The peculiar evils of Ireland are such, as might unquestionably be removed.

We have the patient on the one hand—miserable Ireland: we have the doctor on the other—the British parliament. The doctor goes on administering his remedies: the state of the patient is never improved. What opinion are we to form of the doctor?

Ireland is a mine of instruction for the people of England. The British constitution, that “*tried establishment*,” as Mr. Canning calls it, of which “*the working*,” as he tells us, is so entirely to his satisfaction, Ireland enjoys in its perfection; king, lords, commons—all balanced to a hair.

There is considerable difference, if not in the mode, at least in some of the results, of the working in Ireland. What makes the difference? Till Mr. Canning afford the solution of this question, Ireland is the answer to that argument, which he draws with so much triumph, from the working of the British constitution. Why is Ireland not to be taken as the true example of the working? England as the example of a country, in which the vices of its government have been held in check, and their effects in some degree compensated by the virtues and the spirit of the people? One thing is certain, that the constitution works not less well for the aristocracy in Ireland, than it does in England.

The state of Ireland is such as would disgrace the legislation of barbarians.

The conclusion is inevitable; that the British legislature, paltering with this great subject; no less than the misery of millions, and the heaviest of the burthens of England; from year to year, from parliament to parliament, and from one age to another, without producing any salutary change; have either not the will, or not the capacity, to legislate usefully for Ireland.

Ireland affords the example of an aristocratical government, working almost perfectly free from check; an example, therefore, of its genuine tendency,—of the effects which it is the very nature of it to produce.

It is a rare combination of circumstances which exhibits any government acting without a check. The patience of the people can be counted upon only to a certain extent; and the chances, in an insurrection, against a bad government, are too serious not to be carefully shunned. Our experience of the barbarous governments of the East has yielded us light upon this subject. Though the people of India are passive to an extraordinary degree, it has always been found that the native governments, when the British government in India has undertaken to supply them with the use of British troops, have become ten times more oppressive than they were before; because, before, they were under check from the dread of insurrection; dependent upon the irresistible force of the British arms, they have nothing to apprehend, and set no bounds to their pillage and extortion. The case of Ireland resembles that of India in this as in several other respects. Had the aristocracy of Ireland been solely dependent on their own power, they could have proceeded in oppression only as far as the people would bear. Having the British army to depend upon, they could go on till they met with a check from the hand which upheld them.

The misfortune of Ireland is, that England has an aristocratical government, which, instead of checking, has sympathized with, the aristocracy of Ireland. The first principle, of course, of such a government was, that all insurrections of the people were to be put down at any rate. Whoever might be in the wrong, the people, seeking to right themselves, were always to be in the wrong. This was enough for the aristocracy, unless the government of the country was placed on

such a footing as to ensure order and justice, and to take the power of taxing, directly or indirectly, out of their hands. There is no one who will dare to say that this has been done in Ireland. The consequences are inevitable: the strong man has had the power of oppressing the weak; the strong men in conjunction have had the means of organizing a system of oppression, which has made Ireland, what it is; a spectacle of wretchedness, of immorality, of lawlessness, the like to which exists no where on the civilized earth. The aristocratical workings in Ireland, traced through their channels, small as well as great, exhibit our nature in one of the states physically the most deplorable, morally the most detestable, in which it is possible for it to appear.

On the one hand, *power* at work, sometimes with force, sometimes with fraud, to possess itself to the utmost of the produce of the people's labour, and to command their wills and services—on the other hand, *weakness* at work to protect itself from the ravages of power, or take vengeance on it for the evils it has made to be endured; at work, most frequently by fraud, by all the arts of disguise and mendacity, occasionally by terrible eruptions of force, put down by terrible exertions of force; with malignity and hatred continually engendered in the breasts of the oppressors against the oppressed, and in the breasts of the oppressed against the oppressors—produce a tissue of evils, the conception of which is surpassed by nothing but the conception of hell, and of the torments and passions of the damned. This is the point to which all bad governments tend; this is the end at which they certainly arrive, if they are not stopped in their course by some exterior cause.

It is a shallow view of the Catholic question, to take it in whole, or in the greatest part, as a religious question. It is an aristocratical question. The aristocracy, wholly Protestant, have been in the habit of considering the power of converting the mass of the people into a sort of outcasts, on the pretext of their religion, as an instrument of their ascendancy; and they contend accordingly with feet and hands for the preservation of it. They labour under a great mistake; for, however the pretext may have been useful at first in the consolidation of their power, they now would enjoy the



means of oppressing the population, emancipated, as they call it, in full as great perfection as non-emancipated. Would emancipation alter the state of rent?—would it alter the state of tithe?—two means, which, by the admirable working of the machinery in Ireland, enable its aristocracy to tax the people for their own benefit, without any limitation but what is physical; to take from them every thing but the potatoe, which is necessary to keep the wretches alive; often to leave them not so much of the potatoe as is necessary to keep them alive.

Why do we call the drawing of rent and tithe in Ireland the power of taxing? Because such is the state of the circumstances in Ireland that taxation is thus actually performed. We know rigidly what rent is. The poorest land in cultivation pays no rent; the land which is more fertile than this, yields a greater produce; and the difference between the greater produce and the least is the rent. In whatever country the landlords and titheholders have the power of taking more from the cultivators than this excess, they have the power of taxing. They do, in Ireland, take more. How is this proved? By this,—that the profits of cultivating the land, when more than this excess is not taken, suffice to maintain the cultivators in comfort, and enable them to accumulate stock. As this is not the case in Ireland, it is clear that the landlords and titheholders take from the cultivators in Ireland more than the rent; in other words, that they tax them; and we see to what a pitch of oppression their taxation is pushed. That there are remarkable exceptions to the general rule, is creditable to the individuals who make them—nothing at all to the system.

How the working of the machinery brings about this important result, it is not very difficult to understand. An ignorant, an over-crowded, and lawless population, (need we stop to explain how the Irish are ignorant, over-crowded, and lawless?) are always eager to possess a bit of land; for, miserable as the prospect which it yields, it is rather less precarious than any other property or source of subsistence. Such a people have no regard to their word, and never intend to fulfil more of any engagement than what is useful to themselves, if they can possibly avoid it. They care little, therefore, what they promise; and they

are always willing (such is the matter of fact) to promise more for the favourite bit of land than it can possibly pay. It is easy to see what power this bestows upon the landlord; it enables him not only to take the rent, but as much more as he pleases.

The state of the case between the titheholder and the landlord is this:—The titheholder comes first, and takes his share; and the landlord gets only as much as he leaves. It is said, that the titheholder seldom gets his full share. True; the matter is settled by a scramble between the titheholders and the landlords: a compromise is the result; and the titheholders, as being the weaker party, are obliged to allow something of a lion's share to their more powerful brethren in the chase. It is of no consequence to the cultivator. Taking every thing but the most miserable pittance, they can get no more from him: all being taken, a question of division only remains between themselves. If the titheholders were annihilated to-morrow, the landlords would get, in whole, that which they now get only in greater part. The condition of the cultivator would experience no improvement.

We look upon the propositions which have been made in Parliament for violating the contract between the nation and its creditors, and the countenance which such propositions have there received, in a very serious light.

At all times it was easy to foresee, that if ever an iniquitous legislature should harbour the design of cancelling the national debt, and committing a state bankruptcy, it would not perpetrate the deed at once; the shock would be too violent: it would accomplish its design by steps; first one, then another; and would always find some pretext, as plausible as possible, for proceeding to each.

Precisely in the way in which the first movement, if ever it were made, might have been expected to be made, have the incidents in Parliament fallen out. A defalcation from the payments due to the national creditor, not an entire abolition of his right, has alone been hinted at. To be sure, the defalcation is a large one,—very nearly one-third of all that is due to him; so that only two steps more would be required to take all, and cancel his claim entirely. An occasion, too, so little understood, and so easily

misinterpreted, as to be well adapted for furnishing a fraudulent pretext; a pretext which would wear a plausible outside, and could not without some patience be seen through, has been adroitly seized as the motive and reason of the first, and, of course, the leading, and most difficult step, in a national bankruptcy. One of the many odious products of the late most extraordinary war, is that to which we owe this pretext, and the precipitation, at least, of the proposition which it is employed to recommend. At a certain period of the war, parliament thought proper to suspend payment in cash of the notes of the Bank of England; and, under the fancy that great advantage was thence obtained in prosecuting the war, to pass a law continuing the suspension till six months after the conclusion of peace. The consequence was, that the Bank, no longer afraid of excess, so increased the quantity of its circulating paper as to depreciate the currency. Some time after the conclusion of peace, parliament applied itself to consider the state of the currency, and finally resolved on the resumption of cash payments, and the elevation of the currency to its pristine value.

It is from this last measure that a reason is sought for deducting 30 *per cent*—(we do not give this as the only, but as the most accredited proposal)—from the interest due to the national creditors. A good-looking name was needed. A name that shews the ill-favoured side of a project is injudicious. For the first step in the state-bankruptcy of England, a convenient name has been found in the words, *equitable adjustment*. The allegation is, that whereas the loans contracted since the suspension of cash-payments, were paid, some in a currency more, some in a currency less, depreciated,—a deduction equivalent to the greatest depreciation should be made from the interest, paid in the restored currency, not only on the loans advanced in the more, but those advanced in the less depreciated currency, and even on those advanced before the suspension, when there was no depreciation at all.

There is something at variance with moral feeling, and singularly discreditable, in this pretence. When a government is foolish enough, or wicked enough without the folly, to make a depreciation of the currency, it alters the state of pecuniary contracts, enabling the man who has a

payment to make, to satisfy the demand against him, with a less value than he contracted to pay. It thus produces a great amount of evil; but an amount many times less than what would be produced, if all contracts were on that account to be dissolved, and re-drawn on a computation of the value of the currency at different periods. This would throw society into an embarrassment and confusion inferior only to that which the dissolution of the bands of government would produce. The literal fulfilment of the contracts is therefore enforced, as infinitely the smaller evil of the two. Acting on the doctrine of the equitable adjustment, the legislature would relieve itself from those obligations which it binds upon the community. It would make a law in its own favour, in direct opposition to the law which it makes for all other parties in the like situation. It would stamp, by its own hand, the brand of iniquity upon one or another part of its own proceedings. It would exhibit the odious spectacle of a government holding one weight and one measure for itself, another for the community which it guides, and to which it ought to serve as a pattern of every kind of virtue; frugality, wisdom, benevolence, justice; not an example and incitement of every description of vice; prodigality, folly, disregard of public good, and injustice.

The pretence is as worthless, as the measure, which it is proposed to found upon it, would be flagitious. The fundholders, it is said, being paid interest in a restored currency, receive more than their due. This is wholly untrue. First of all, a great proportion of the national debt was contracted before the suspension of payments; and advanced in a currency of the full value. During the time of the depreciation, the interest of this debt was paid in the depreciated currency; was not paid in full; and on the principle of an equitable adjustment, a compensation is due. Mr. Maser has computed that compensation; and has shown that it would exceed the deduction which, on the same pretence, could be made from the interest payable on the debt contracted during the period of depreciation; that more, in fact, would be due to the first set of creditors, than from the second; that, allowing the principle of the equitable adjustment to be correct, government owes to the 174



tional creditors, as a body, more than it pays: so thoroughly unfounded and fraudulent is the allegation, that government may justly cut off 30 per cent from the interest of the national debt: in other words, commit a fraudulent bankruptcy, at fourteen shillings in the pound. We need not repeat, how easy the step is from fourteen to seven, and from seven to nothing.

The second reason, which shows that the equitable adjustment is founded in imposture, is as follows:—

When a contract is made by open competition, as were all the contracts for loans during the last war, the terms are of course as low as the circumstances of the case, all taken together, will permit. During the time when loans in the depreciated currency were made, it was the law of England that cash payments should be restored six months after the conclusion of peace. An act of parliament ordained the resumption. The faith of parliament was pledged for the resumption. When the legislature entered into contract for all the loans which were raised during the period of depreciation, it stood bound, it had strictly engaged itself, not rashly, not unadvisedly, but by one of its most solemn proceedings—a law of king, lords, and commons—to pay the parties who thus became the creditors of the nation, not in a depreciated currency, but in cash, six months after the termination of the war. To pretend, after this, that one-third may be taken from the interest of the debt, as more than due because paid in cash, is not merely to propose a violation of contract; it is to make one of the most impudent attempts to defeat the meaning of a contract by false construction, that was ever exposed to the indignation of the honest part of mankind. It is chicanery which would disgrace the lowest pettifogger.

Of the class in parliament, who show their disinclination to pay the public creditors, there is one portion, who assume a different ground. They say that it would be a dreadful thing not to pay our debts. No event is more to be deprecated. The nation ought to pay its creditors as long as ever it can. But a time may come when ability will cease.

And the case is made out clearly by a scrap of lawyers' Latin: *Nemo tenetur ad impossibile.*

The first remark to be made upon this apology, propounded by anticipation, for the non-payment of the national creditor, is, that it disclaims and condemns the preceding pretence, that we have now a right to deduct any thing from the interest of the debt, on the score of over-payment; since it declares that it would be a dreadful crime to deduct any thing, so long as we have the means of paying.

A disgraceful proceeding, founded upon a silly pretence, gives evidence both against the intellects and morals of the parties who figure in such a scene.

What would be thought of the honour of a man in ordinary life, who, having contracted a greater debt than he liked to pay, should begin to desire his creditors to make up their minds to a time when he would be unable to pay them, though it were obvious to all the world that he had ample means of paying, and never, without the most disgraceful conduct, could be destitute of such means? Would not all the world say that the man was a villain, and was already in wait for a plausible occasion to defraud his creditors; more especially if the state of the law, or the state of the contract with his creditors was such, that they could never enforce repayment of the principal, and must remain content, unless at his own choice, with the perpetual receipt of interest?

But to know the nature of this inability of the English nation to pay its debts—this prophetic inability, the forerunner of a prophetic bankruptcy—we ought to examine it a little more narrowly. The nation must, at any rate, not speak of inability, so long as it has one farthing of extravagant expenditure. The man, who pretends a want of ability to pay his debts, without confining his expenditure within the limits of rigid necessity, is a dishonest man, and ought to receive the punishment of a knave. The expenditure of the English Government is perfectly enormous. Every useless penny must be deducted from it; the services which it is necessary to receive from government, must be paid for at the lowest rate; and every article of

national economy must be set to side, and applied to the liquidation of the debt, before we can allow liberty, without all the disgrace which belongs to the proceedings of a fraudulent bankrupt. We must not leave one director in existence. We must not have one agent of government in any department more than is needed, and every agent must be paid at the lowest rate at which a competent person will consent to serve. In regard to soldiers and sailors we must make a rigid estimate of the number for which we have real services, and not allow the existence of an individual more. If it should even be found upon an honest scrutiny, that if ever we have enemies, it will be our own fault, we need have no defenders, and must discharge them every one. If we have any foreign dependency which does not pay its own expenses, we must relinquish it. The crown lands are no inexhaustible resource. They must all be sold to the last acre; and every public building, house, and palace, not absolutely necessary—not required for the real service of the state—must be converted into money for the payment of our debts. The teachers of religion are a class of public servants, who, in proportion to what they do, are more extravagantly paid than any other. There can be no doubt, that with proper management, religion might be much better taught at one quarter of the expense. All the rest must go to the discharge of the debt, before we can pretend that we have reduced our expenditure to the utmost, and are still unable to meet the just demands of our creditors. On this subject we might go into much greater detail, but this may show the nature of the case.

Still we have not ascertained what meaning can really be annexed to the term inability, when the inability is alleged of the English nation to pay its debts. In the way in which it is used, it is a vague, equivocal term, unavoidably subservient to delusion, and very apt to be made subservient to fraud. Inability very often means nothing more than disinclination. Let us examine if it can be any thing different here.

The annual produce of the nation is the fund from which all its expenses are

defrayed. Of this, that portion which is necessary for the maintenance of its labourers, can never be reclaimed, hence it can never be diverted from that use. The rest is all distributed to the owners of rent, the receivers of profit, or the receivers of the taxes. Now, let us suppose, for a moment, that the actual creditors are the only recipients of the taxes. The net annual produce would then be distributed in proportion among three parties—the landlord, the capitalist, and the national creditors. How can the inability ever arise of wanting to distribute it in those proportions? Or how could the proportions stand otherwise than by giving more to one, or to another? This would not be inability, it would be design.

If the allegation be, that by the legislature's adding more and more to the national debt, and thus creating its national creditors to a greater and greater share of the annual produce, in the end will come when the nation will be unable to pay, the very hypothesis is absurd. Why should we take it for granted, that we are to have in future a wiser legislature? and that the English nation is never to be without a government, driving it on to its ruin? Above all things, why should this strange assumption be proclaimed by the nation itself? Why should we not suppose, as is more probable, that sooner or later we shall have a legislature, which will pursue the opposite course; and by cutting off all unnecessary expense, gradually diminish, and, at no distant time, extinguish the debt?

But in the loose talk, which we so commonly condemned as idle in the subject, and in which it is so commonly taken for granted, that a bad government will go on adding to the national debt, of course entitling the national creditors to a greater and greater share of the annual produce, we must not permit the consequence, which is regularly entailed, to pass without being duly estimated.

It is obvious, that just in the same proportion, and in the same degree, as the income of the landlord and the capitalist is reduced, in order to give the tenant-holder, the income of the fundholder is reduced in order to pay interest. The fundholders contribute to their own ruin.



ment, in the same proportion as any body else, and pay a greater and a greater share of what they themselves receive, according as the payments due to them are increased. The want of means to pay is therefore a contradiction in terms.

But we confer too much honour on this prophetic inability, by treating it as worthy of analysis. We have already seen that the pretence of a nation's inability to pay itself, that is, to make a particular distribution of its annual produce, is imposturous on the face of it. To say, or to insinuate, that England is in the state, or approaching to the state, of a nation unable to pay its debts, is an impudent denial of notorious matter of fact. The annual charge on account of the national debt is below 30,000,000*l.* Much more than double that amount is raised in taxes of all sorts; and of this vast sum, a large proportion is unprofitably spent. One word more is superfluous.

It is, however, easy to understand the feeling of an aristocratic legislature on this subject. It is by the share which the aristocracy receive of the taxes, that they derive advantage from wielding the powers of government. From that portion which is detached for the payment of the national creditor, they have the means of drawing little or no advantage to themselves. The people of England, as experience proves, may be made to submit, in time of peace, to a taxation of more than 70,000,000*l.* per annum. But if one half of this goes to the national creditors, the aristocracy are obliged to make their profit out of the other half. How much more would they make if they had both halves? And with what an evil eye, therefore, are they tempted to look upon a class of men by whom this golden stream, which ought to be their's, is intercepted!

That a class of men, who, possessing power by a firm tenure, find little occasion for intellect, should be short-sighted and inconsistent, is in the natural order of things. The aristocracy of England, in order to frighten every man who possesses a little property into an enemy of improvement, have, with a prodigious display of fear and ardour, taught, that all attempts at improvement lead to revolution, and all revolutions to the confiscation of property. Both propositions are false. But they, by defrauding the national creditors, and thereby

committing one of the most enormous acts of confiscation that ever was perpetrated on earth, would set an example of disregard to the laws of property, the bitter fruits of which they would deserve to be the first to feel. Why should the rest of the community, they to whom the interests of the fundholding class, and the interests of the landholding class, are equal, be more willing to sacrifice the fundholders to the landholders, than the landholders to the fundholders? If it be very inconvenient to the nation to pay the interest of the national debt, why not take the land to discharge the principal? This would be spoliation and injustice, most assuredly; but not one atom worse than taking the property of the national creditors.

In the growing contrariety between the state of the government, and the state of the public mind, in every country in Europe, and not least in England, there is no attentive observer of the signs of the times, who does not anticipate considerable alteration at no very distant day, in the mode of administering public affairs in that quarter of the globe. These changes, perfectly inevitable, will, it is probable, all be comparatively quiet; but that they may be so, it is of primary importance that the utmost reverence should be attached to the laws of property. The people, whom the aristocratical class are always accusing of being enemies to property, are the reverse. In the annals of mankind, there is not an instance of any great spoliation or iniquitous transfer of property, of which the people have been the authors. All such atrocities, without any exception, have been the work—as the confiscation of the property of the national creditors in England would be the work—of an aristocracy.

While property remains secure, and every one is satisfied, that what is his will be inviolably preserved to him, changes in the hands which hold the powers of government affect not the bosom of society. They may be more, they may be less, expedient; the arrangements adopted may be found perfect, they may be found susceptible of amelioration; all this experience may go on, as it ought to go on, without disturbing the peace or arresting the prosperity of the nation, till its social and political insti-

tutions are brought to perfection; provided the rights of property are held inviolable. But if, in the present state of the world, the leading class, in any country, gives the signal for a convulsion, by a shameless act of confiscation, who could wonder, if the class whom they have robbed should seek for vengeance, and if the justice of their complaints should gain to them a host of abettors?

A country's principal interests are those which are involved in its internal government. To a certain degree, its interests are also involved in its situation with regard to its neighbours; more involved, generally, in proportion as its government is bad; less involved in proportion as its government is good. The interests of a country are involved in its situation with regard to its neighbours, in two ways; by its exposure to foreign attacks; and by its external commerce.

In the present state of the civilized world, a country, wisely governed, is so little exposed to attacks from its neighbours, that nothing but an extraordinary combination of circumstances could bring such an event within the range of a rational anticipation. A well-governed country would never afford any provocation; and it would be defended with such bravery and judgment by its happy people, as would render an attack upon it, unless it were a petty country indeed, an unpromising speculation. With respect to external commerce, a country, wisely governed, would adopt the only policy good for itself, that of perfect freedom; and would wait without concern till other governments were wise enough to follow its example. Between a well-governed country and its neighbours, there would be hardly any other relation than that of good behaviour, which costs nothing.

An ill-governed country, which engages at every turn in wars with its neighbours, does, indeed, involve its interests deeply in its external relations. The expense arising from its establishments and wars burthens cruelly, if it does not finally overwhelm, it.

A great improvement took place in our foreign policy, between the beginning and end of the last parliament, for which parliament has no title to our acknowledgements. Till the death of Lord Londonderry we were in the Holy Alliance. From that time we have been gradually with-

drawing from it. The opposition party in parliament made strong objections to the principle and policy of the Holy Alliance, during the administration of Lord Londonderry, with a potent majority constantly against them. We owe the change to Mr. Canning and his associates, who appear to have disengaged the nation with prudence and felicity.

The principle of the Holy Alliance is something perfectly new in the world. It is true that it was invented to meet a perfectly new emergency. That contrariety which, as we have already intimated, is now apparent in perhaps every country in Europe, between the state of the public mind and the state of the government, had excited the apprehensions of the different governments; and the Holy Alliance was set up as a bulwark against the consequences which it portended. It was an engagement among the different governments to afford protection to one another against their own subjects; and to prevent the changes for which the altered state of the public mind was expected to present an importunate, if not an irresistible, demand.

A scheme which bore upon the very surface of it more conspicuous marks of folly, or rather of insanity, was never thought of, even by bad governments. Going upon the supposition that the public mind in each country, taken separately, was becoming too strong for its own government, taken separately, they nevertheless concluded, that the governments of all the countries taken together would be too strong for the public mind in all the countries taken together. Let us permit them to assume—to take for granted, all the effect which fancy can ascribe to their scheme; that it would check the movements towards change, which the state of the public mind should prompt in one country at a time. What would be the consequence? Only to retard the countries which were more advanced, till all were ripe for a simultaneous movement; when, of course, the impulse would be far more violent, and the changes more unsparing. That governments, with or without combination, can now turn back the tide of public opinion, it would require more than the blindness of bad governments, amid all that is passing around us, to believe; and to suppose that public opinion, still rolling on, can be always successfully resisted, would be only to



suppose that of two things, the one growing always greater, the other less, the one growing always greater will never surpass the one growing always less.

The Alien Act, the subject of declamation on both sides of both houses in the last parliament, was part and parcel of the Holy Alliance system. The war against public opinion would have been incomplete without it. When the principle of the Holy Alliance was given up, the Alien Act, after a decent period of delay, and a becoming shew of regard for an old connexion, was quietly allowed to expire.

Giving the ministry applause, for renouncing the Holy Alliance; and willing to believe that they deserve it for their conduct regarding Greece, and the new states in South America, we are doubtful with respect to Spain. We have not data on which to ground a positive conclusion. And we concur most fully in the declaration of Mr. Canning, that if, by permitting the occupation of Spain by the troops of France, one of the most impudent proceedings in the history of modern Europe, and directly insulting to the government of England, we avoided that dreadful calamity, a war; it was expedient to pocket the insult, and cherish the advantages of peace.

The two questions are, whether this act of the French Government, on which Mr. Canning now bestows abundant reprobation, might not have been prevented without a war? And whether, if permitted, it would not bring war at an early date, as its natural consequence? Mr. Canning says, No. But Mr. Canning, with the advantage of more knowledge of the circumstances than other men, has the disadvantage of his situation, which plays with many blinding influences on his understanding. At the time of which we speak, the situation of the French government was so precarious, it had so much to apprehend, and did apprehend so much, from the contrariety between itself and the public mind, that it could not have looked upon the dangers involved in a struggle with this country without the utmost apprehension. It is true the French Government had one ground of security. On this it is probable that it rested; and the event discovered the sagacity of its anticipation. It knew that the aristocracy of England had a dread

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of the contrariety between the state of public opinion and the state of government in France, from the effect which it might have in England, not much less intense than that which agitated the French government itself. It concluded, therefore, that the English ministry would be deterred from risking a war with France, not so much from any aversion to the burthens it was to load upon the people of England, which it had never seen an English ministry much to dislike, as from the prospect of a new revolution in France, which it had abundant reason to know was the object of their perfect horror. The French government, therefore, put on a bold face; and dread of the state of the public mind in France, made dupes of the English ministry. Without affirming that this was the case, we affirm the strong probability that it was; and we confess our apprehensions, that the same poor game will be played over again, in the circumstances to which the occupation of Spain by the troops of France has recently given birth. France may continue to lend the most effectual support to the Spanish government, maintaining garrisons in all its strong places, saving it from all apprehension on account of its disaffected population, thereby enabling it to send every Spanish soldier to fight the English, and supplying it secretly with the sinews of war; and, doing all this, if it only avoids notorious acts of hostility, and gives fair words, to which it seems inclined, our ministry will not dare to attack it. The French government knows that the hands of the English ministry are tied up by their trembling dread of revolutions. And we therefore expect to see it treating all their remonstrances with perfect indifference; and them, notwithstanding their talk about English honour and power, submitting tamely, and only anxious about the means of hiding the truth from the English people.

The terms of our treaty with Portugal may have required our interference. This we shall not dispute. But one thing we take upon us to affirm, with unhesitating conviction, that it will be worse than childish to commence a war against Spain, if that be the fruit of our late pacific policy, without ordering the French government, under all the consequences of being considered a partner in the war, to withdraw its soldiers, to the last man,

from the peninsula ; and to abstain from every act, open or clandestine, of support to our enemy, under pain of its being treated as an act of hostility.

Notwithstanding the improvements, which we are happy to acknowledge, in the maxims of our international policy, we perceive that our ministers still adhere to one principle, of fatal import to the interests of every country the counsels of which it infects. They boast of the high rank which we hold among surrounding nations. They speak magnificently of the maintaining of that rank. If this high rank meant a high reputation for wisdom—a high reputation for virtue—a high reputation for the goodness of our government—for the integrity of our dealings, and the happiness of our people; even a high reputation for internal strength, and for the energy with which any attack upon our shores would be repelled—we desire to see that sort of rank as high as it can be desired by any body. But if this rank mean nothing but the weight with which we interfere in the arrangements, amicable or hostile, of other nations with one another—that is to say, the fear with which we inspire them; in other words—the proximity of the prospect we bring to them of the evils of war, to be inflicted by our hands; we say, that of all the curses, which ever beset a nation, this said rank is one of the greatest. Of all successful pretences for unnecessary wars—of all successful pretences for exorbitant establishments, military and naval—for the waste and ruin of the substance of the people—this is, beyond comparison, the most fertile in mischief. To the aristocracy of England this has been the grand resource for keeping up that immense taxation out of which they have drawn their profit. And, accordingly, both sections of that aristocracy, both the section in place, and the section out of place, have always applauded it to the skies. This was national glory—this was national honour. What so admirable as honour and glory? What honourable and glorious man but would part with life and fortune to preserve honour and glory? Let us then have great fleets, great armies; let us interfere in every dispute between every two nations in Europe; and let us always make war upon those who will not do as we bid them; all for honour and glory! The pretence, which is sometimes set up, that this is the cheapest way of de-

fending our own shores from hostile attacks, we cannot regard as worthy of a serious exposure.

We are told that it keeps danger at a distance. We should rather say, that it makes it continually present. What is the danger we have to dread? The expense of repelling an attack from our shores. This, which would be an expense of rare occurrence—which rather, under a good government, we should say, would not occur at all—and which, when the occasion arose, would be proportioned to it, and no more; we are told that we ought to replace, by an expense never intermitted, which never ends—not proportioned to the defence of ourselves, but to the attack of others—the continental attack; an expense so threatening—continually threatening, to other nations—that our word should hold with them the place of a command. This is to defend ourselves at an expense many thousand times greater than needful.

Would we then, it is asked, have no foresight in our counsels? O, yes! of real foresight as much as you please—as much as possible. But not a foresight which makes the remedy many times worse than the disease. Not a foresight which would make a disease, not very likely to happen at all, but sure, at the very worst, to happen rarely, perpetual. Not a foresight, which would set up a great present evil, to fence against one which is not only distant and problematical, but which can always be provided for time enough, when there is some reason to apprehend its approach.

In tracing, as we have done, in this review of the proceedings of the last parliament, the workings of the aristocratic interest; adducing the evidence of its ascendancy, and marking the consequences which flow from it; we shall be told, that we have omitted in our calculations, an element which greatly modifies and corrects the tendency of the aristocratic preponderance; to wit—the opposing party in parliament. It appears perfectly certain to us, that the modification derived from this element is too small to be worth including in the calculation.

It is an historical fact, worthy of better understanding than it generally gets, that wherever the powers of government have been engrossed by an aristocracy, they have almost always broken themselves into two sections—the one of



immediately wielding the powers of the body—the other angry that it is not wielding them. What are the consequences of this? Not that either section ever loses sight of those interests which it has in common with the other, and which belong to the whole aristocratical body. These the section out of power is as deeply concerned to preserve and to improve, as the section which it wishes to supplant. Whatever other points they may differ in, here their differences will be more apparent than real; or if, from accident, there should be occasional contrariety, there is sure to be general concurrence. This is enough:—the aristocratical interest has little to dread from such an opposition as this.

There are two cases of the division of a governing aristocracy. One case is, when the people have no idea of taking power from the aristocratical body, though they may assist in taking it from one section to give it to another. The other case is, when the aristocracy are aware of a wish on the part of the people to diminish their power, and to give that ascendancy in the legislature to the general interest, which is held by the aristocratical interest.

The nature of the contest between the two sections of an aristocratical body, is very different in these different cases. In the first case, in which as a body they have nothing to apprehend from the people, they set no bounds to their animosities; they rush on to bloodshed; and inflict upon one another the greatest atrocities. Witness the contests in Greece and Rome; witness the civil wars in every part of Europe, up completely to the period at which a real public opinion made itself felt in that part of the world. So much already does society owe to the check which apprehension of the people has imposed on the aristocracy!

In the case in which the body of the aristocracy dread the sentiments of the people, and consider the probability, that, in a desperate struggle between two parties of themselves, the people will find the means of stripping them of all that portion of their power which is inconsistent with good government, both sections find motives exceedingly to modify and restrain their exertions; and whether to get place, or retain it, never venture farther than a certain moderate excitement of public opinion.

The section not in place, the section weakest, at least for the time, seeks to make itself a match for its antagonist. It can obtain the needful accession of strength only by gaining the people on its side. It can gain them on its side only by making them expect advantages from its ascendancy. The only real permanent good which the people can receive at the hands of any existing set of administrators, is the rectification of the state of interests in the legislature; the all important change from the predominance of the partial, to that of the general interest. No aristocratical section will hold out this prospect, at least in earnest. It holds out the prospect of some other petty advantages, which it tries by every artifice to make the people admire as great; or, if it does throw out an appearance of intending the substantial good, it is an appearance only, well contrived to be explained away, or forgotten, when the period for the congruent action arrives.

The consequences are easily anticipated. So long as the people are dim-sighted enough to be imposed upon by delusive appearances, and take small advantages for great, they may be caught by the promises of an opposition, and being warmed by degrees into enthusiasm, may call for a change of administration. This call, in this country, has in former times been so importunate as to render it convenient to comply with it. When, however, the people become sufficiently clear-sighted to distinguish appearance from reality, and a great advantage from a little one, the promises of one section of the aristocracy, trying to turn out another, lose their effect.

Things have very nearly come to this pass in England: the consequence is, that the out-section of the aristocracy, ceasing to draw any hopes from the people, manifest sentiments towards them hardly less hostile than those of their opponents. "His Majesty's opposition" is a name which has been recognized as well adapted to them, *ipsis non recusantibus*. This is a name which proclaims their equipment for court service, and the dissolution of their connexion with the people. Disjoined from the people, an opposition section of the aristocracy is perfectly insignificant. We see accordingly with what rapidity our opposition party is melting away. In a short time, there

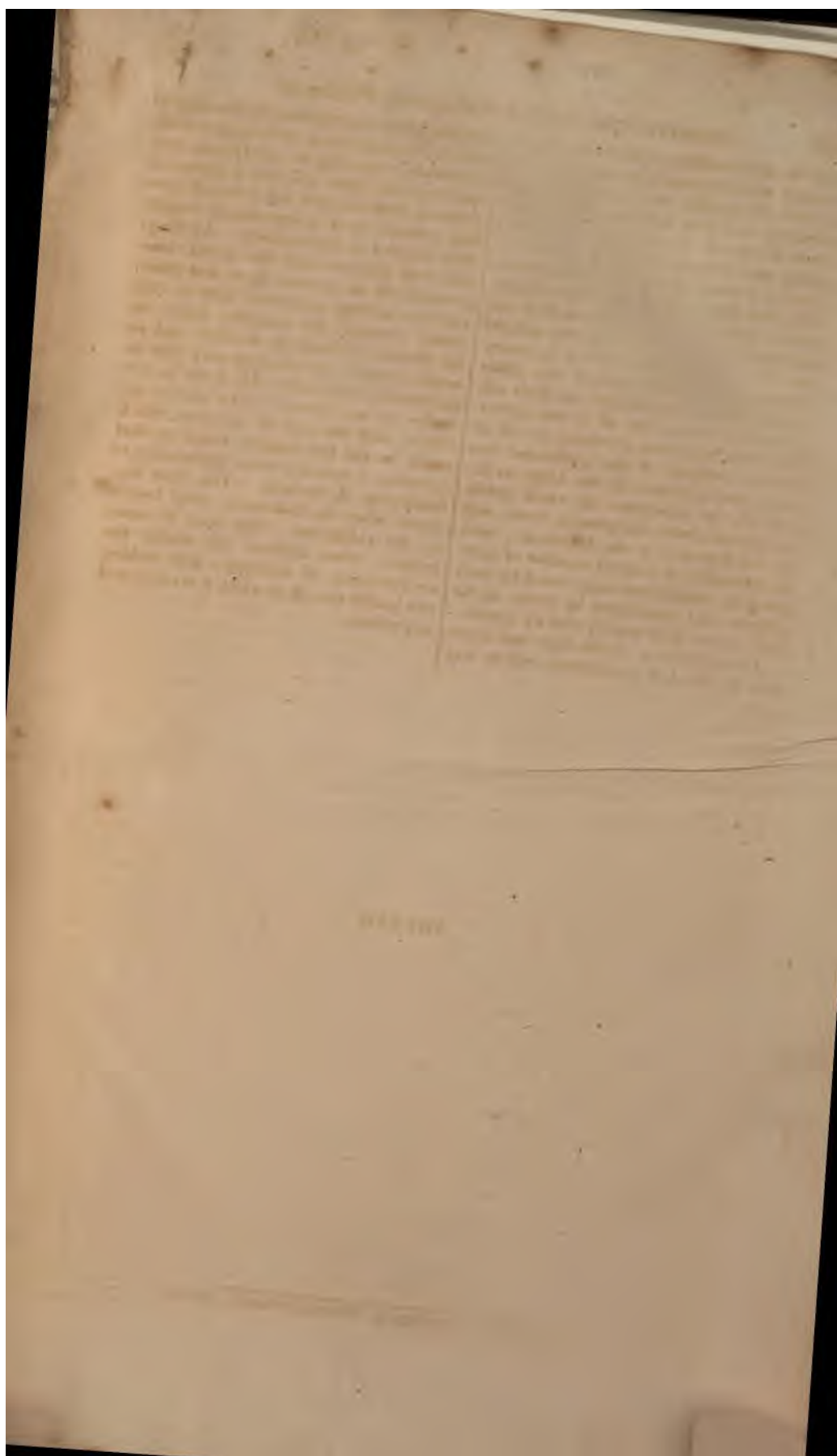
will be no such thing. The British aristocracy will form one homogeneous body, at once the masters and creatures of the ministry, soliciting and intriguing for the good things in distribution, but never going into opposition, with a view to force a greater share into their hands. This was the state of the French aristocracy, from the time of Louis XIV. to the revolution. And it is the natural state of a ruling aristocracy in every country in which the people are either unable or unwilling to force, by their aid, a discontented section of it into power. No: from this time onwards, or till an adequate reform of the parliament has place, the ministers of the king, as the part of the legislature on which public opinion acts with the greatest force, will be the *best* part of the legislature, with the exception of a small number of independent, enlightened men, hated by both parties, and persecuted by them, as far as it can be done quietly and by stealth.

The proportion of the time and attention of the last parliament, which was

absorbed by the memorable inquiry, of which it pleased them to become the instruments, respecting the late Queen, may render it, to some persons, a matter of surprise, that we have not enlarged upon this subject at a proportionate length. We deemed it unnecessary. All England—all Europe—and the world, have pronounced an opinion upon that affair, and the matters connected with it (the manly revenge, for example, taken on Sir Robert Wilson) so decided, and so nearly correct, that there is very little in the existing impression, which we have a desire to see altered. The sort of intellect, and the sort of morality, which reside in the two houses, found on that occasion, a most felicitous opportunity of displaying themselves. The time was come, when the lookers-on could benefit by the exhibition. The time is come indeed, when nothing can hinder the accumulation of evidence; and nothing can hinder the effect which it is calculated to produce.

THE END.





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